

ITEM NO.2

COURT NO.2

SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 6677/2019

THE STATE OF RAJASTHAN AND ORS.

Appellant(s)

VERSUS

LORD NORTHBOOK AND ORS.

Respondent(s)

IA No. 42568/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 209978/2023 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 25353/2023 - CLARIFICATION/DIRECTION

IA No. 134658/2023 - CLARIFICATION/DIRECTION

IA No. 117030/2020 - INTERVENTION/IMPLEADMENT

IA No. 25336/2023 - INTERVENTION/IMPLEADMENT

IA NOS.134661, 134873, 212322/2023- APPLNS. FOR EXEMPTION FROM
FILING OFFICIAL TRANSLATION

IA NO.225291/2023- APPLICATION FOR BRINGING ON RECORD ADDITIONAL
FACTS

IA NO.226764/2023- APPLICATION FOR PERMISSION TO FILE ADDITIONAL
DOCUMENTS AND EXEMPTION FROM FILING O.T.

WITH

SMC(C) No. 1/2023 (XVII)

(FOR ADMISSION)

Date : 01-11-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE SUDHANSHU DHULIA

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

By Courts Motion

For Appellant(s)

Dr. Manish Singhvi, Sr. Adv.

Ms. Shubhangi Agarwal, Adv.

Mr. Apurv Singhvi, Adv.

Mr. Milind Kumar, AOR

For Respondent(s)

Mr. C.A. Sundaram, Sr. Adv.

Mr. Amar Dave, Adv.

Mr. Mahesh Agarwal, Adv.

Mr. Rishi Agrawala, Adv.

Mr. Ankur Saigal, Adv.

Mr. Anshuman Srivastava, Adv.

Mr. Rishabh Parikh, Adv.

Ms. Niyati Kohli, Adv.
Ms. Fareha Ahmed Khan, Adv.
Mr. Rajesh Kumar, Adv.
Mr. Abhishek Gupta, Adv.
Mr. Zafar Inayat, Adv.
Ms. Rohini Musa, Adv.
Mr. E. C. Agrawala, AOR

Mr. Kumar Mihir, AOR
Mr. Manu Shekhar Sharma, Adv.

Mr. Devendra Raghava, Adv.
Mr. Nishit Agrawal, AOR
Ms. Kanishka Mittal, Adv.

Mr. Deepak Goel, AOR
Mr. Khushi Mohd., Adv.
Mr. Kamal Kumar Pandey, Adv.
Ms. Urvashi Sharma, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Applications to file additional documents is allowed and exemption from filing official translation are allowed.

IA No.209978/2023

Issue notice.

Learned counsel for the appellant-State of Rajasthan accepts notice.

Reply, if any, be filed within three weeks.

Civil Appeal No.6677/2019 & SMC(C) No. 1/2023

There are two developments which have taken place since the last date of hearing. The first and the most significant one is that the Trust which failed to establish the Will, now has succeeded in the appeal in terms of the judgment of the Division Bench dated 11.07.2023 in FAO No.348/2012. The result of this is that as on date the Trust is the

owner of the property.

We may, however, note that as per learned counsel for the State there are instructions to file the appeal. However, we have made learned counsel conscious of the fact that there is something known as the law of limitation which is not different in this application to a State/public body or an individual!

We are also informed that the legal representatives of respondent No.6 (which original party had withdrawn their objections and the legal heirs sought to rake up the issue again) have preferred a Special Leave Petition [C] Diary No.30645/2023 on 31.07.2023 but that was lying under objections and the objections have only been cured on 01.09.2023. Obviously, it must be lying still under some other objections because it has not been listed till date despite the lapse of a month and a half. Registry to look into that aspect.

The second significant aspect is that in the appeal preferred by the Trust and one Gaj Singh Alsisar (respondent No.8 in these proceedings) and another against the order of the Collector in the escheat proceedings has been set aside by the Revenue Board vide its order dated 11.10.2023.

We could have put a closure to this matter but for the orders passed from time to time to see that the estate can be protected as the State Government have done little to preserve it after having exercised the right of escheat. Suffice for us to say that the work under the Committee of Justice Pradeep Nandrajog (Retd.) is still a work in progress.

Our attention has been drawn to the first interim report dated 16.03.2023 of the Committee which records that the restoration work could take about five years to complete and on a rough estimate the amount required would be about Rs.75 crores spread over five years. The fund already allocated of Rs.5 crores by the State would be thus, made available to the Committee for the time being. This is more so, as the mess and destruction is courtesy the lack of supervision by the State.

Mr. C.A. Sundaram, learned senior counsel for the Trust submits that the appropriate course of action would to be have the Trust now manage the whole issue and they would like the continuation of the committee to facilitate the restoration of the Trust property.

It may also require directions from this Court for purposes of preservation of the heritage, which

is the reason why we intervened in this matter.

We defer that aspect for some time as it would be appropriate to see the fate of the Special Leave Petitions filed or to be filed.

Insofar as the Special Leave Petitions filed are concerned, if they are in order they would be listed by the Registry and if not in order, learned counsel would have to make arrangements to put the Special Leave Petition in order so that they can be listed.

The State may take expeditious steps to bring in forth any Special Leave Petition, if they are desirous of doing so.

Learned senior counsel has also drawn our attention to once again the order dated 23.03.2023 at internal page 7 where we have made observations insofar as submitting a list of movable property is concerned.

Learned counsel for the State submits that in their affidavit they have stated that the register and list is with Mr. Nirbhay Singh and he is refusing to hand over the same for which an FIR has been registered.

To say the least, at the time when the property was taken over, State failed to comply with mandatory requirements of making a list of the movable and immovable properties as was required and

they would liable for the consequences thereof.

So far as Mr. Nirbhay Singh is concerned, it appears that other than registering the FIR nothing has happened.

Let the Superintendent of Police concerned remain present on the next date and file an affidavit at least a week before the next date as to what steps has he taken *qua* the FIR in question.

List for directions on 05.12.2023.

We may note that originally the matter was referred to a three Judges Bench arising from the difference of opinion but that issue really does not survive for the time being in view of the subsequent developments.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)