

ITEM NO.52

COURT NO.6

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 33032/2018

(Arising out of impugned final judgment and order dated 09-03-2017 in PIL No. 67617/2014 passed by the High Court Of Judicature At Allahabad)

RASHTRIYA KISAN MAZDOOR SANGHATHAN (REGD)

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No. 92726/2021 - APPLICATION FOR PERMISSION, IA No. 7380/2022 - MODIFICATION OF COURT ORDER AND IA No. 166789/2021 - MODIFICATION OF COURT ORDER)

Date : 30-01-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Dr. Rajeev Dhavan, Sr. Adv.
Mr. Arjun Harkauli, AOR
Mrs. Neha Verma, Adv.

For Respondent(s) Mr. C.S. Vaidyanathan, Sr. Adv.
Mr. Ardhendhumauli Kumar Prasad, A.A.G.
Mr. Rohit K. Singh, AOR

Mr. Vikas Mehta, AOR
Mr. Narinder K. Verma, Adv.
Ms. Rashi Rampal, Adv.
Mr. Adith Nair, Adv.

UPON hearing the counsel the Court made the following
O R D E R

A preliminary objection has been raised by the learned senior counsel Mr. C. S. Vaidyanathan appearing for the respondent-State that as against the common order dated 09.03.2017, passed in a batch of petitions including PIL No.67617/2014 by

the High Court of Judicature at Allahabad, the very same petitioner, i.e., Rashtriya Kisan Mazdoor Sanghathan (Regd.), indeed approached this Court earlier, seeking special leave to appeal by filing a petition bearing No.35113 of 2017 that was considered and dismissed by this Court on 23.04.2018.

It is submitted that the same petitioner, having filed a petition in this Court against the same order and the petition having been dismissed, is not entitled to maintain a repeat petition against the same order in relation to the same subject; and therefore, the present petition against the said order dated 09.03.2017 in relation to PIL No.67617/2014 remains rather an abuse of process of Court and deserves to be dismissed.

In response to such preliminary objection, the learned senior counsel Dr. Rajeev Dhavan appearing for the petitioner submits, on instructions, that there had been multiple petitions before the High Court pertaining to different questions, which were decided by the common order dated 09.03.2017; and the questions that were sought to be raised in the earlier

petition were different than those in the present petition.

The learned senior counsel would further submit that irrespective of such summary dismissal of the earlier petition, being Special Leave Petition (C) No.35113/2017, as duly reported in the office report, a co-ordinate Bench of this Court, in its order dated 07.01.2019, issued notice in the present petition while also leaving it open for the High Court to proceed with the contempt petition. Therefore, according to the learned counsel for the petitioner, for different subject-matter and for the Court having entertained this petition involving substantial questions, dismissal of SLP (C) No.35113/2017 does not operate against the interests of the petitioner or against the maintainability of the present petition. The learned senior counsel has also referred to the submissions made in the rejoinder affidavit, particularly, in paragraphs 4.B/C/D/E thereof.

Learned Advocate-on-Record Mr. Arjun Harkauli, assisting Dr. Rajeev Dhavan, has submitted that to his understanding, in fact, a revised order dated 23.04.2018 was drawn in

relation to the said SLP(C) No. 35113/2017 specifying that the said petition, though filed against the same impugned order but was in relation to subject-matter of PIL No. 64933/2013 and not in relation to PIL No. 67617/2014, as shown earlier.

Though, such a factual aspect has not been stated with requisite specifications in the rejoinder affidavit on behalf of the petitioner but, in the peculiar circumstances, at our directions, the Court Master has checked up with the digital records and it appears that indeed a revised order dated 23.04.2018 was drawn in SLP(C) No. 35113/2017 and the effect of the said revised order has been that though the said SLP(C) No.35113/2017 related to the common order dated 09.03.2017 in a batch of petitions but, therein, the order under challenge related to PIL No.64933/2013 (and not PIL No. 67617/2014).

Having regard to the circumstances of the case, while keeping all other objections and responses of the parties open, we deem it appropriate to take up this matter along with the record of the said Special Leave Petition (C) No.35113/2017.

Parties may file additional documents/
affidavit as may be advised.

Having regard to the order previously passed
in this matter on 12.01.2022, we would request the
High court to keep the proceedings in Contempt
Petition (C) No.2815/2018 in abeyance until the
next date in this matter.

List the matter on 22.03.2023 along with the
record of SLP(C) No. 35113/2017.

We would request the learned counsel for the
parties to submit short notes on their proposed
submissions before the matter is taken up next.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(RENU BALA GAMBHIR)
COURT MASTER