

SUPREME COURT OF INDIA

Sudesh Yadav

Vs.

Genesis Infratech Pvt. Ltd. & Ors.

SLP(Civil)No.25968/2016

(Jagdish Singh Khehar and Arun Mishra, JJ.,)

05.09.2016

ORDER

1. Learned counsel for the petitioner states, that the impugned order dated 30.08.2016 was passed by the High Court without serving the petitioner. It is submitted, that the petitioner has been arrayed as respondent no.5 in the writ petition, wherein the above order dated 30.08.2016 was passed.

2. In the above view of the matter, it is the contention of the learned counsel for the petitioner, that the order passed on the back of the petitioner is not sustainable in law. It is also Sign ature-N©t Verified submission of the learned counsel for the petitioner, that the Date: 21 17:43:1! Reason petitioner has moved an application under Article 226(3) of the Constitution of India, seeking a recall of the order dated 30.08.2016. It is submitted, that the petitioner would be satisfied, if the instant petition is disposed of, with a direction to the High Court, to pass a final order on the said application, before the authorities carry out the demolition process, directed in the impugned order dated 30.08.2016.

3. Having given our thoughtful consideration to the submissions advanced at the hands of the learned counsel for the petitioner, we find no justification whatsoever to interfere with the impugned order, except that, in case the petitioner was not served when the order dated 30.08.2016 came to be passed, and in case the petitioner has moved such an application under Article 226(3) of the Constitution of India, as has been stated before us, the High Court shall take a decision on the said application, and dispose of the same without any further delay, and most definitely, on or before 09.09.2016, the date by which the compliance report has to be furnished to the High Court.

4. Demolition at the hands of the authorities, in furtherance of the impugned order dated 30.08.2016 shall remain stayed, in the meantime, till the above mentioned application is disposed of.

5. Disposed of in the above terms

