

A M/S MARUTI CLEAN COAL & POWER LTD.

v.

B.L. WADHERA & ORS.

(Transfer Petition (Civil) No. 813 of 2007)

JANUARY 29, 2008

B

(DR. ARIJIT PASAYAT AND P. SATHASIVAM, JJ.)

*Transfer of Cases:*

C *Transfer petition – Seeking transfer of certain writ*  
*petitions, writ appeals pending before Chattisgarh High Court*  
*and certain suits pending before civil courts in the State – Order*  
*of High Court challenged before Supreme Court in SLP –*  
*HELD: Transfer petition and SLP disposed of with directions,*  
*inter alia: parties would appear on given date before the Bench*  
D *presided over by the Chief Justice of High Court – All writ*  
*petitions would be tagged and would be heard along with writ*  
*appeals by a Division Bench – Bench presided over by the*  
*Chief Justice would transfer civil suits pending before lower*  
*courts to High Court to be taken up alongwith the writ petitions*  
E *and writ appeals – If cases involving dispute pending before*  
*High Court are instituted after instant order, the same would*  
*be transferred to and heard by said Division Bench of the High*  
*Court – Petitioners in SLP would be at liberty to seek*  
*modification/vacation of order impugned therein before*  
F *Division Bench of High Court.*

*T.N. Godavarman Thirumulpad vs. Union of India and*  
*Ors. [2006] 5 SCC 28 – cited.*

CIVIL ORIGINAL/APPELLATE JURISDICTION : Transfer  
Petition (Civil) No. 813 of 2007.

G

WITH

SLP(C) No. 21632 of 2007, SLP(C) No. 20238 of 2006,  
Cont.Pet.(C) No. 275/2007 in SLP(C) No. 20238/2006 and  
Cont.Pet.(C) No. 14/2008 in T.P.(C) No. 813/2007.

H

Mukul Rohtagi, Ranjit Kumar, V. Krishnamurthy, Ram Jethmalani, C.S. Vaidyanathan, C. Mukhopadhyaya, Amit Sibbal, T. Raja, M/S. Suresh A. Shroff & Co. and Senthil Jagadeesan for the Petitioner. A

Gopal Subramaniam, A.S.G., P.P. Rao, Ashok H. Desai, K.K. Venugopal, Ravi Shankar Prasad, Ajit Kumar Sinha, Jitendra Mohan Sharma, Rudreshwar Singh, Kaushik Poddar, Kumar Ranjan, Gopal Kumar Jha, Sanjay jain, Sameer Parekh (for M/S Parekh And Co.), Vishwajit Singh, Arvind Kumar Shukla, D.D. Kamath, Shweta Garg, Devadatt Kamat, D.S. Mahra, Suparna Srivastava and Rajesh Srivastava for the Respondents. B C

The Judgment of the Court was delivered by

**Dr. ARIJIT PASAYAT, J.** Heard learned counsel for the parties.

Delay in filing counter affidavit is condoned. Amendment allowed. D

In the transfer petition, prayer is made for transfer of certain Writ Petitions before the Chhatisgarh High Court, Writ Appeals and Suits filed before the Lower Court in the State of Chattisgarh. In S.L.P. (C) No.21632 of 2007, challenge is to the interim order dated 31.10.2007 passed in Writ Appeal No.267 of 2007. E

Learned counsel for the petitioners in the Transfer Petition and the Special Leave Petition submitted that though the subject matter of controversy in all the aforesaid cases is broadly covered by a decision of this Court in *T.N. Godavarma Thirumulpad Vs. Union of India and Ors.* (2006 (5) SCC 28), the fresh rounds of litigation have been and/or are being started with the sole object of taking away the effect of the judgment in the said case. This is stoutly denied by learned counsel appearing for the respondents. F G

Considering the nature of the controversy, we feel that interest of justice would be best served if the Transfer Petition (along with I.A. Nos.2 and 3 in the Transfer Petition) and the Special Leave Petition are disposed of on the following terms:

1. All the Writ Petitions and Writ Appeals detailed in the H

A Transfer Petition and the I.A. Nos.2 and 3 shall be heard and disposed of by the High Court by 15.05.2008.

B 2. The parties are directed to appear before the Bench presided over by Hon'ble the Chief Justice of the High Court, without further notice, on 11.02.2008 so that a firm date can be fixed for starting hearing of the Writ Petitions and the Writ Appeals. Though the Writ Petitions are normally heard by a single Judge in the High Court, in view of the fact that the Writ Appeals are to be heard by the Division Bench, all those Writ Petitions shall be tagged on and shall be heard by a Division Bench.

C 3. It is stated that certain Suits are pending before the Lower Courts. The Bench presided over by Hon'ble the Chief Justice of the High Court shall transfer all such Suits to the High Court, to be taken up along with the Writ Petitions and the Writ Appeals.

D 4. If cases concerning the nature of the dispute pending before the High Court are instituted hereinafter, the High Court shall take up them along with the Writ Petitions, Writ Appeals and Suits which have been directed to be heard, and in case of Suits, by directing transfer to the High Court if they are filed in Lower Courts.

E 5. It is open to the petitioners in the Special Leave Petition to move, if so advised, the Bench hearing the Writ Petitions, Writ Appeals and Suits for modification/vacation of the impugned order dated 31.10.2007 passed in Writ Appeal No.267 of 2007.

The Transfer Petition and the Special Leave Petition are disposed of accordingly.

G Contempt Petition No.14 of 2008 is withdrawn in view of the orders passed above.

No orders on the application for impleadment.

H R.P. Transfer petition and special leave petition are disposed of.