

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.8193/2023

THE STATE OF KARNATAKA & ANR.

Appellant(s)

VERSUS

SARVABHOUM BAGALI & ORS.

Respondent(s)

(ONLY I.A. No. 12104/2024- APPLICATION FOR STAY AND PRAYER FOR
INTERIM RELIEF IN CA No. 3610 of 2024 IS LISTED.)

WITH

C.A. No. 3610/2024 (XVII)

(IA FOR STAY APPLICATION ON IA 12104/2024

IA No. 12104/2024 - STAY APPLICATION)

Date : 14-05-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s)

Mr. Devadatt Kamat, Sr. Adv.

Mr. V. N. Raghupathy, AOR

Mr. Darpan K.M., Adv.

Mr. Javedur Rahman, Adv.

Mr. Rajat Jonathan Shaw, Adv.

Mr. Manendra Pal Gupta, Adv.

Mr. Basava Prabhu Patil, Sr. Adv.

Mr. Geet Ahuja, AOR

Mr. Chaitanya Ahuja, Adv.

For Respondent(s)

Mr. Abhimanue Shrestha, AOR

Mr. Pritesh Patni, Adv.

Mr. Rohit Kumar Poddar, Adv.

Mr. Nishant Kumar, Adv.

Ms. Aishwarya Bhati, A.S.G.

Ms. Swarupama Chaturvedi, Sr. Adv.

Mr. Gurmeet Singh Makker, AOR

Ms. Ruchi Kohli, Adv.

Mr. Digvijay Dam, Adv.

Mr. Ishaan Sharma, Adv.

Mr. Rohan Gupta, Adv.

M/S. Dharmaprabhas Law Associates, AOR
Mr. Chandrashekhar A. Chakalabbi, Adv.
Mr. S.k Pandey, Adv.
Mr. Awanish Kumar, Adv.
Mr. Anshul Rai, Adv.
Mr. Abhinav Garg, Adv.
Mr. Varnik Kundaliya, Adv.
Ms. G. Anusha, Adv.

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

During last one month, we have passed more than one order bringing to the notice of the Registry that the copies of all the orders passed in cases are not being placed on the top of the file. This is one more glaring case where copies of the orders passed on 22nd January, 2024 and 26th February, 2024 are not placed on record. Though we passed several orders inviting attention of the Registry to such defaults, we find that no corrective steps are being taken. If copies of all the orders passed in a particular case are not placed on the file, it adversely affects the functioning of the courts.

We direct the Court Master to forward a copy of this order to the Secretary General of this Court.

IA No. 12104/2024 in C.A. No. 3610/2024

The applicant cannot be permitted to privately sell the desilted material excavated in terms of orders dated 27st November, 2020. We permit the applicant to sell 23,340 MT of desilted material by holding a public auction conducted by adopting a fair and transparent method. The public auction shall be conducted under the supervision of the Deputy Commissioner of the concerned district and the sale proceed shall be deposited in this Court.

We make it clear that before actually completing the sale, the Deputy Commissioner after examining the entire process shall certify in writing that the entire auction process has been conducted in a fair and reasonable manner. Application is accordingly disposed of.

After the amount is deposited in this Court, the same shall be deposited in an interest bearing Fixed Deposit with any Nationalized Bank. We will pass order regarding disbursement/ investment of the said amount after the Registry submits a report regarding the deposit. We make it clear that we are passing this order as we are informed that the material has been desilted even before the impugned order dated 23rd March, 2023 was passed.

Application is disposed of.

Auction may be completed within a period of one month from today.

(KAVITA PAHUJA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)