

ITEM NO.501

COURT NO.1

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s).1099/2019

SHAH FAESAL &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ANR.

Respondent(s)

[ FOR DIRECTIONS ]

(WITH IA No. 17101/2023 - ADDITION / DELETION / MODIFICATION PARTIES, IA No. 66515/2022 - DELETING THE NAME OF PETITIONER/RESPONDENT, IA No. 129177/2019 - EX-PARTE STAY, IA No. 9573/2020 - INTERVENTION APPLICATION, IA No. 174525/2019 - INTERVENTION APPLICATION, IA No. 164438/2019 - INTERVENTION APPLICATION, IA No. 10999/2020 - INTERVENTION APPLICATION, IA No. 189526/2019 - INTERVENTION/IMPLEADMENT, IA No. 136349/2019 - INTERVENTION/IMPLEADMENT, IA No. 154272/2022 - INTERVENTION/IMPLEADMENT, IA No. 129178/2019 - PERMISSION TO FILE LENGTHY LIST OF DATES, IA No. 166037/2019 - STAY APPLICATION)

WITH

W.P.(C) No. 871/2015 (PIL-W)

(WITH IA No. 38200/2019 - INTERVENTION/IMPLEADMENT, IA No. 34489/2019 - INTERVENTION/IMPLEADMENT, IA No. 1/2015 - PERMISSION TO FILE SYNOPSIS AND LIST OF DATES)

W.P.(C) No. 722/2014 (PIL-W)

(WITH IA No. 106447/2018 - INTERVENTION APPLICATION, IA No. 120250/2018 - INTERVENTION APPLICATION, IA No. 108743/2018 - INTERVENTION APPLICATION, IA No. 95744/2017 - INTERVENTION APPLICATION, IA No. 108652/2018 - INTERVENTION APPLICATION, IA No. 79897/2017 - INTERVENTION APPLICATION, IA No. 79570/2017 - INTERVENTION APPLICATION, IA No. 120574/2018 - INTERVENTION APPLICATION, IA No. 103006/2018 - INTERVENTION/IMPLEADMENT, IA No. 120075/2018 - INTERVENTION/IMPLEADMENT, IA No. 110782/2017 - INTERVENTION/IMPLEADMENT, IA No. 114320/2018 - INTERVENTION/IMPLEADMENT, IA No. 96065/2017 - INTERVENTION/IMPLEADMENT, IA No. 55540/2019 - INTERVENTION/IMPLEADMENT, IA No. 52137/2019 - INTERVENTION/IMPLEADMENT, IA No. 81485/2017 - INTERVENTION/IMPLEADMENT, IA No. 108303/2018 - INTERVENTION/IMPLEADMENT, IA No. 121757/2018 - INTERVENTION/IMPLEADMENT, IA No. 108287/2018 - INTERVENTION/IMPLEADMENT, IA No. 121124/2018 - INTERVENTION/IMPLEADMENT, IA No. 106824/2018 - INTERVENTION/IMPLEADMENT, IA No. 55541/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

SLP(C) No. 19618/2017 (XIV)  
(WITH IA No. 182696/2018 - INTERVENTION APPLICATION)

W.P.(C) No. 1013/2019 (PIL-W)  
(WITH IA No. 145853/2019 - CLARIFICATION/DIRECTION, IA No. 118588/2019 - EX-PARTE STAY, IA No. 154967/2019 - INTERVENTION APPLICATION, IA No. 143833/2019 - INTERVENTION APPLICATION, IA No. 180145/2019 - INTERVENTION APPLICATION, IA No. 142338/2019 - INTERVENTION APPLICATION, IA No. 164975/2019 - INTERVENTION APPLICATION, IA No. 164876/2019 - INTERVENTION APPLICATION, IA No. 155795/2019 - INTERVENTION APPLICATION, IA No. 169328/2019 - INTERVENTION/IMPLEADMENT, IA No. 136293/2019 - INTERVENTION/IMPLEADMENT, IA No. 160049/2019 - INTERVENTION/IMPLEADMENT, IA No. 142343/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No. 118589/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

W.P.(C) No. 1082/2019 (X)  
(WITH IA No. 171000/2019 - INTERVENTION/IMPLEADMENT, IA No. 136299/2019 - INTERVENTION/IMPLEADMENT)

W.P.(C) No. 1068/2019 (PIL-W)  
(WITH IA No. 136304/2019 - INTERVENTION/IMPLEADMENT, IA No. 125260/2019 - STAY APPLICATION)

W.P.(C) No. 1037/2019 (X)  
(WITH IA No. 95994/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 96178/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 96173/2021 - INTERVENTION APPLICATION, IA No. 9596/2020 - INTERVENTION APPLICATION, IA No. 171722/2019 - INTERVENTION APPLICATION, IA No. 171690/2019 - INTERVENTION APPLICATION, IA No. 95993/2021 - INTERVENTION/IMPLEADMENT, IA No. 153133/2019 - INTERVENTION/IMPLEADMENT, IA No. 136356/2019 - INTERVENTION/IMPLEADMENT)

W.P.(C) No. 1062/2019 (PIL-W)  
(WITH IA No. 124539/2019 - EX-PARTE STAY, IA No. 136347/2019 - INTERVENTION/IMPLEADMENT, IA No. 124540/2019 - PERMISSION TO FILE LENGTHY LIST OF DATES)

W.P.(C) No. 1070/2019 (PIL-W)  
(WITH IA No. 171772/2019 - APPLICATION FOR PERMISSION, IA No. 83434/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 14005/2022 - CLARIFICATION/DIRECTION, IA No. 34434/2022 - EARLY HEARING APPLICATION, IA No. 125529/2019 - GRANT OF INTERIM RELIEF, IA No. 153121/2019 - INTERVENTION/IMPLEADMENT, IA No. 136314/2019 - INTERVENTION/IMPLEADMENT, IA No. 84479/2022 - INTERVENTION/IMPLEADMENT, IA No. 171350/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 1104/2019 (X)  
(WITH IA No. 37063/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 136313/2019 - INTERVENTION/IMPLEADMENT, IA No. 165583/2019 -

**PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**

**W.P.(C) No. 1165/2019 (PIL-W)  
(WITH IA No. 116395/2020 - EARLY HEARING APPLICATION, IA No. 140590/2019 - EX-PARTE STAY, IA No. 116397/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 140592/2019 - PERMISSION TO FILE LENGTHY LIST OF DATES)**

**W.P.(C) No. 1210/2019 (PIL-W)  
(WITH IA No. 125359/2020 - CLARIFICATION/DIRECTION, IA No. 107217/2021 - EARLY HEARING APPLICATION)**

**W.P.(C) No. 1222/2019 (X)**

**W.P.(C) No. 396/2017 (X)  
(WITH IA No. 118468/2018 - INTERVENTION APPLICATION, IA No. 43725/2017 - PERMISSION TO FILE LENGTHY LIST OF DATES)**

**W.P.(C) No. 756/2017 (PIL-W)**

**W.P.(C) No. 398/2018 (X)  
(WITH IA No. 71210/2018 - GRANT OF INTERIM RELIEF, IA No. 49481/2018 - PERMISSION TO FILE SYNOPSIS AND LIST OF DATES)**

**W.P.(C) No. 924/2018 (PIL-W)  
(WITH IA No. 109719/2018 - PERMISSION TO FILE LENGTHY LIST OF DATES)**

**W.P.(C) No. 1092/2018 (X)**

**W.P.(C) No. 1162/2018 (PIL-W)**

**W.P.(C) No. 1048/2019 (PIL-W)  
(WITH IA No. 188819/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 112494/2020 - EARLY HEARING APPLICATION, IA No. 136357/2019 - INTERVENTION/IMPLEADMENT, IA No. 122866/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No. 188822/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 188813/2022 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)**

**W.P.(C) No. 1268/2019 (PIL-W)**

**W.P.(C) No. 1368/2019 (PIL-W)**

**Date : 11-07-2023 These petitions were called on for hearing today.**

**CORAM :**

**HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE SURYA KANT**

For Petitioner(s) Dr. Rajeev Dhavan, Sr. Adv.  
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Mr. Piyush Singh, Adv.  
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**Applicant-in-person**

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

- 1 The hearing of the petitions before the Constitution Bench shall commence on 2 August 2023 at 10.30 am and shall thereafter proceed from day to day except for the 'miscellaneous days', namely, Mondays and Fridays.
- 2 Mr Prasanna S, counsel assisting on the side of the petitioners, and Mr Kanu Agrawal, counsel assisting on the side of the respondents, shall act as nodal counsel for the preparation of electronic copies of common convenience compilations.
- 3 Since convenience compilations have been prepared earlier, should any of the counsel seek to add to them, this shall be done positively by 27 July 2023. The nodal counsel shall ensure that the convenience compilations are indexed and paginated to facilitate the hearing. All the counsel shall give copies of the material, including precedents relied on, to the nodal counsel. Written submissions shall also be filed on or before 27 July 2023. After 27 July 2023, no further additions to the convenience compilations shall be permissible and the arguments shall proceed on the basis of the status of the record as on that date. Any additional material which is permitted to be filed by 27 July 2023 shall be filed only through the nodal counsel. The convenience compilations shall be exclusively in the electronic form and shall be emailed to cmvc.dyc@gmail.com.
- 4 The Solicitor General has informed the Court that though the Union of India has filed an additional affidavit setting out the perspective of the Union government in regard to post notification developments, the contents of the affidavit have no bearing on the constitutional issues which are raised in the petitions and shall hence not be relied upon, for that purpose.

5 With the consent of all counsel and at their request, the cause title of the proceedings shall be described thus for all purposes:

**“In Re: Article 370 of the Constitution”.**

**IA Nos 66515 of 2022 and 17101 of 2023 in Writ Petition (C) No 1099 of 2019**

6 IA Nos 66515 of 2022 and 17101 of 2023 have been filed for deletion of the names of Petitioner No 1 (Dr Shah Faesal) and Petitioner No 3 (Ms Shehla Rashid Shora) from the array of parties. The applications for deletion are not opposed. The applications are accordingly allowed.

7 Amended cause title be filed within a period of one week.

**Writ Petition (Civil) Diary No 26993 of 2023**

8 The petition shall be treated as an intervention application and shall be renumbered accordingly.

**Writ Petition (Civil) No 1070 of 2019**

9 It is stated that Petitioner No 2 (Hindal Haidar Tyabji) has died. On the request of counsel for the petitioners, permission is granted to delete the name of Petitioner No 2 from the array of parties. Cause title be amended accordingly.

**IA No 96065 of 2017 in Writ Petition (C) No 722 of 2014**

10 Counsel appearing on behalf of the applicant seeks the permission of the Court to withdraw the application for impleadment.

11 The application is dismissed as withdrawn.

**(SANJAY KUMAR-I)**  
**DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**