

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

IN RE: ARTICLE 370 OF THE CONSTITUTION

(WITH IA No. 138432/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 147639/2023 - CLARIFICATION/DIRECTION, IA No. 147636/2023 - CLARIFICATION/DIRECTION, IA No. 129177/2019 - EX-PARTE STAY, IA No. 139294/2023 - INTERLOCUTORY APPLICATION, IA No. 146764/2023 - INTERLOCUTORY APPLICATION, IA No. 9573/2020 - INTERVENTION APPLICATION, IA No. 144248/2023 - INTERVENTION APPLICATION, IA No. 144241/2023 - INTERVENTION APPLICATION, IA No. 174525/2019 - INTERVENTION APPLICATION, IA No. 142552/2023 - INTERVENTION APPLICATION, IA No. 164438/2019 - INTERVENTION APPLICATION, IA No. 10999/2020 - INTERVENTION APPLICATION, IA No. 189526/2019 - INTERVENTION/IMPLEADMENT, IA No. 142335/2023 - 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, IA No. 146832/2023 - WITHDRAWAL OF CASE / 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. 120574/2018 - INTERVENTION APPLICATION, IA No. 106447/2018 - INTERVENTION APPLICATION, IA No. 120250/2018 - INTERVENTION APPLICATION, IA No. 95744/2017 - INTERVENTION APPLICATION, IA No. 108743/2018 - INTERVENTION APPLICATION, IA No. 108652/2018 - INTERVENTION APPLICATION, IA No. 79897/2017 - INTERVENTION APPLICATION, IA No. 79570/2017 - INTERVENTION APPLICATION, IA No. 106824/2018 - INTERVENTION/IMPLEADMENT, 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. 55540/2019 - INTERVENTION/IMPLEADMENT, IA No. 81485/2017 - INTERVENTION/IMPLEADMENT, IA No. 52137/2019 - 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. 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 169328/2019 FOR INTERVENTION APPLICATION ON IA 180145/2019, 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 : 05-09-2023 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
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WP C 1082/2019

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WP C 1068/2019

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WP C 1062/2019

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WP C 1368/2019

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Mr. Sanchit Vashisthe, Adv.

Ms. Nidhi Vashistha, Adv.

Mr. Purnendu Bajpai, Adv.

Mr. Mudit Chaudhry, Adv.

Mr. Himanshu Nagarwal, Adv.

Mr. Gaurav Kumar, Adv.

Mr. Rohit Nagar, Adv.

Mr. Deepak Chauhan, Adv.

Ms. Ankita Goutham, Adv.

Mr. Abinav Upadhyaya, Adv.

Mr. Vikram Kumar Singh, Adv.

Ms. Satamita Ghosh, Adv.

Mr. Raghav Sabharwal, AOR

Ms. Tanvi Dubey, Adv.
 Mr. Anukrit Gupta, Adv.
 Mr. Sanjay Kumar Dubey, Adv.
 Mr. Varun Byreddy, Adv.
 Mr. Mekala Ganesh Kumar Reddy, Adv.

Mr. Riju Raj Singh Jamwal, Adv.
 Ms. Madhusmita Bora, AOR

Mr. P.V. Surendarnath, Sr. Adv.
 Ms. Resmitha R. Chandran, AOR
 Mr. Subhash Chandran K.R., Adv.
 Mr. Mukesh Kumar Pandey, Adv.
 Mr. Vipin Kumar Mishra, Adv.
 Mr. Sawan Kumar Shukla, Adv.

Mr. K. Krishna Kumar, AOR

Mr. Soayib Qureshi, AOR

Ms. Disha Singh, AOR
 Mr. Shivendu Gaur, Adv.
 Mrs. Nidhi Sharma, Adv.
 Mr. Mohit, Adv.
 Mr. R.k Kashyap, Adv.

Mr. Sumit R. Sharma, AOR

Mr. Irshad Ahmad, AOR

Mr. Mohit Chaudhary, AOR

Applicant-in-person

Intervenor-in-person

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

- 1 We have heard counsel appearing on behalf of the petitioners/intervenors and counsel appearing on behalf of the respondents/intervenors. The appearances for the contesting sides and the time taken by each counsel for oral arguments are reflected in Annexures 'A' and 'B'. The transcripts of the oral submissions have been uploaded on the website of the Supreme Court.

- 2 Submissions of the petitioners were heard on 2 August 2023, 3 August 2023, 8 August 2023, 9 August 2023, 10 August 2023, 16 August 2023, 17 August 2023, 22 August 2023 and 23 August 2023.
- 3 Submissions of the respondents were heard on 24 August 2023, 28 August 2023, 29 August 2023, 31 August 2023, 1 September 2023, 4 September 2023 till 1.25 pm.
- 4 Thereafter, submissions in rejoinder were heard after 2.00 pm on 4 September 2023 and 5 September 2023.
- 5 Arguments concluded.
- 6 Judgment reserved.
- 7 Any written submissions in rejoinder not exceeding three pages be emailed to nodal counsel on or before 12 September 2023 who shall compile the same in one volume and email them to cmvc.dyc@gmail.com.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(POONAM VAID)
COURT MASTER

Annexure 'A'**Counsel on the petitioners' side**

No	Counsel	Appearing for	Time taken
1	Mr Kapil Sibal, Sr. Adv.	Petitioners in Writ Petition (Civil) No 1037 of 2019	12 hours 35 minutes and 2 hours 35 minutes in rejoinder
2	Dr Gopal Subramaniam, Sr. Adv.	Petitioner in Writ Petition (Civil) No 1104 of 2019	3 hours 10 minutes and 1 hour 5 minutes in rejoinder
3	Mr Zafar A Shah, Sr. Adv.	Petitioner (Jammu and Kashmir High Court Bar Association, Srinagar) in Writ Petition (Civil) No 1268 of 2019	4 hours and 35 minutes in rejoinder
4	Dr Rajeev Dhavan, Sr. Adv.	Petitioner in Writ Petition (Civil) No 1165 of 2019	4 hours and 1 hour in rejoinder
5	Mr Dushyant Dave, Sr. Adv.	Petitioner in Writ Petition (Civil) No 1222 of 2019	2 hours 45 minutes and 50 minutes in rejoinder
6	Mr Shekhar Naphde, Sr. Adv.	Petitioner in Writ Petition (Civil) No 1070 of 2019	1 hour 50 minutes
7	Mr. Dinesh Dwivedi, Sr. Adv.	Petitioner No 2 (Prem Shankar Jha) in WP(C) No 1013 of 2019	1 hour 45 minutes
8	Mr C U Singh, Sr. Adv.	Petitioners in WP(C) Nos 1062 of 2019 and 1210 of 2019	1 hour 50 minutes
9	Mr Sanjay Parikh, Sr. Adv.	Petitioners in WP(C) No 1368 of 2019	35 minutes
10	Mr P.C.Sen, Sr. Adv.	Petitioners in WP(C) No 1070 of 2019	35 minutes
11	Ms Nitya Ramakrishnan, Sr. Adv.	Intervenor (Jammu and Kashmir People's Democratic Party) in IA 154272 of 2022 in WP(C) 1099 of 2019 and Petitioner Nos 2-5 in WP(C) 1099 of 2019	30 minutes
12	Dr Menaka Guruswamy, Sr. Adv.	Petitioner in WP C 1048 of 2019 and Intervenor (Awami National Conference) in IA 138432 of 2023 in WP(C) 1099 of 2019	30 minutes
13	Mr Muzaffar H Baig, Sr. Adv.	Petitioner (Javed Ahmad Bhat) in W.P. (C) 1099 of 2019	30 minutes
14	Mr Gopal Sankaranarayanan, Sr. Adv.	Petitioner in WP(C) 1068 of 2019	1 hour 50 minutes
15	Mr. Manish Tiwari, Adv.	Impleador (Padi Richo) in IA No 160049 of 2019 in WP(C) 1013 of 2019	35 minutes
16	Ms Warisha Farasat, Adv.	Intervenor (Venkatesh Nayak) in IA No 159055 of 2023 in WP(C) 1099 of 2019	

17	Mr Irfan Hafeez Lone, in-person	Intervenor in IA No 174525 of 2019 in WP(C) 1099 of 2019	
18	Dr Zahoor Ahmad Bhat, in-person	Intervenor in IA No 139294 of 2023 in WP(C) 1099 of 2019	

Annexure 'B'**Counsel on the respondents' side**

N o.	Counsel	Appearing for	Time taken
1	Mr Tushar Mehta, SG	Union of India in WP(C) 1099 of 2019	11 hours 25 minutes
2	Mr R Venkataramani, AG	Union of India in WP(C) 1099 of 2019	2 hours
3	Mr Harish Salve, Sr. Adv.	Intervenors (Terseme Ram and Ravi) in IA No 09573 of 2020 in WP(C) 1099 of 2019	1 hour 15 minutes
4	Mr Rakesh Dwivedi, Sr. Adv.	Petitioner in WP(C) No 1162 of 2018 and for impleador in IA 84479 of 2022 in WP(C) 1070 of 2019	2 hours 45 minutes
5	Mr V Giri, Sr. Adv.	Intervenor (All India Kashmiri Samaj) in IA No. 139743/2023 in WP(C) 1070 of 2019	1 hour 20 minutes
6	Mr K M Nataraj, ASG	Union of India in WP(C) 1099 of 2019	15 minutes
7	Mr Mahesh Jethmalani, Sr Adv	Intervenor in IA 171690/2019 in WP(C) No 1037 of 2019	40 minutes
8	Mr S Gurukrishna Kumar, Sr. Adv.	Intervenor (Mahendar Mehta & Shyam Sundar) in IA No 9596 of 2020 in WP(C) No 1037 of 2019	15 minutes
9	Mr Ravindra Kumar Raizada, Sr. Adv.	Petitioners in WP(C) No. 398/2018	45 minutes
10	Mr Bimal Roy Jad, Sr. Adv.	Intervenor (Roots in Kashmir) in IA No 153121 of 2019 in WP(C) 1070 of 2019 and petitioners in W.P (C) No. 396 of 2017	
11	Mr Kanu Agrawal, Adv.	Union of India in WP(C) 1099 of 2019	
12	Mr Vikramjit Banerjee, ASG	Union of India in WP(C) 1037 of 2019	
13	Ms Archana Pathak Dave, Adv.	Intervenor (Kashmiri Hindu Cultural Welfare Trust) in IA No 171722 of 2019 in WP(C) No 1037 of 2019	
14	Mr V K Biju, Adv.	Intervenor (Major AK Ravindran @ Major Ravi S M (Rtd.) IA No 171000/2019 in WP (C) No 1082/2019 and IA No 169328/2019 in WP (C) No 1013/2019	
15	Mr Vikram Sharma, Sr. Adv./ President J&K High Court Bar Association	Intervenor (Jammu and Kashmir High Court Bar Association) in IA 108743 of 2018 in WP(C) No 722 of 2014	
16	Dr Aniruddha Rajput, Adv.	Petitioners in Writ Petition (Civil) No.871 of 2015	
17	Mr D C Raina, Sr. Adv./ Advocate General, UT of	Respondent (Jammu and Kashmir) in SLP(C) 19618 of 2017, W.P.(C)	

	J & K	No. 1082/2019, W.P.(C) No. 1062/2019 and W.P.(C) No. 1092/2018	
18	Mr Rahul Tanwani, Adv.	Intervenors (All India Kashmiri Samaj, TK Moza and Mrs Karishma Tej Kumar Moza) in IA Nos 164975 and 164876 of 2019 in W.P.(C) No. 1013/2019	
19	Mr Eklavya Dwivedi, Advocate	impleador in IA 84479 of 2022 in WP(C) 1070 of 2019	
20	Mr. Rajesh Bhushan, Advocate	IA 146764 of 2023 in WP(C) No 1099 of 2019	
21	Dr Charu Mathur, Advocate	Intervenors in IA Nos 144241 and 144248 of 2023 in WP(C) No 1099 of 2019	