

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 21728 OF 2017

[ARISING OUT OF SPECIAL LEAVE PETITION  
(CIVIL)NO.34887/2017 (ARISING OUT OF CC NO. 8439/2004)]

GOPAL & ORS.

...APPELLANT(S)

VERSUS

THE STATE OF MADHYA PRADESH & ORS.

...RESPONDENT(S)

WITH

CONTEMPT PETITION (CIVIL)NO. 9 OF 2007

IN

SPECIAL LEAVE PETITION (CIVIL)NO. 34887/2017 (ARISING OUT  
OF CC NO. 8439/2004)

O R D E R

Permission to file SLP is granted.

Leave granted.

Heard learned counsel for the parties.

The question is whether the appellants are encroachers or are their possession is legitimate. The Board of Revenue passed the order in favour of the appellants which has been vacated by the High Court.

Learned counsel for the State submits that Board of Revenue did not give any hearing to the State as no notice was issued to the State. The High Court has not determined the issue on merits. Since the State was not

heard, the Board of Revenue ought to have been required to deal with the matter afresh.

Accordingly, we remit the matter to the Board of Revenue (Gwalior). The Case No.583-P.V.R./99 will stand restored to the file of the Board of Revenue, Gwalior.

The parties are directed to appear before the said authority for further proceedings on Monday 29<sup>th</sup> January, 2018.

Till the decision of the Board of Revenue, status quo as on today be maintained.

We have not expressed any opinion on the merits of the case.

All contentions of the parties will be open to be gone into by the Board of Revenue.

The appeal is, accordingly, disposed of.

CONTEMPT PETITION (CIVIL)NO. 9 OF 2007

Dismissed.

.....J.  
[ADARSH KUMAR GOEL]

.....J.  
[UDAY UMESH LALIT]

NEW DELHI;  
7<sup>TH</sup> DECEMBER, 2017.

ITEM NO.5

COURT NO.11

SECTION IV-A

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

Petition(s) for Special Leave to Appeal (C).....CC No(s).  
8439/2004

(Arising out of impugned final judgment and order dated 24-08-2004  
in WP No. 520/2003 passed by the High Court Of M.P At Indore)

GOPAL &amp; ORS.

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH &amp; ORS.

Respondent(s)

WITH

CONMT.PET.(C) No. 9/2007 In S.L.P.(C)...CC No. 8439/2004

Date : 07-12-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s)	Mr. Puneet Jain,Adv. Ms. Christi Jain,Adv. Mr. Abhinav Gupta,Adv. Mr. Harsh Jain,Adv. MR. Bikash Chandra,Adv. Ms. Pratibha Jain, AOR
For Respondent(s)	Mr. Mishra Saurabh, AOR  Mr. Sanjay Kapur, AOR Ms. Mansi Kapur,Adv. Ms. Megha Karnwal,Adv. Ms. Shubhra Kapur,Adv.

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

Permission to file SLP is granted.

Leave granted.

The appeal is disposed of in terms of the signed  
order.

Pending application(s) including application for  
impleadment, if any, shall also stand disposed of.

CONMT.PET.(C) No. 9/2007 In S.L.P.(C)...CC No. 8439/2004

Dismissed.

(MADHU BALA)  
COURT MASTER (SH)  
(Signed order is placed on the file)

(PARVEEN KUMARI PASRICHA)  
BRANCH OFFICER