

ITEM NO.25

COURT NO.1

SECTION X

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

SPECIAL LEAVE PETITION (CIVIL) Diary No.3546/2019

(Arising out of impugned final judgment and order dated 24-10-2018 in WPIL No. 167/2016 passed by the High Court of Uttarakhand at Nainital)

MIR HASAN & ORS.

Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND & ORS.

Respondent(s)

(With appln.(s) for permission to file SLP, exemption from filing O.T. and interim relief)

WITH S.L.P.(C) No.2968/2019 (X)

(With appln.(s) for exemption from filing O.T., exemption from filing c/c of the impugned judgment and interim relief)

Date : 11-02-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Sanjay Kumar Dubey, Adv.
Mr. Shuchi Singh, AOR
Mr. Krishna Kant Dubey, Adv.
Mr. Devendra Kumar Shukla, Adv.

For Respondent(s)

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

Permission to file the special leave petition is granted.

The grievance of the petitioners is that the High Court has passed a blanket order without stating that the appropriate procedure of law has to be followed.

In view of the aforesaid submission, we direct that the competent authority, before proceeding to remove the encroachment of the petitioners, shall follow the due procedure as established in law.

Liberty is granted to the petitioners to plead and file documents to show that they have right, title and interest over the land. Needless to say, if there is any injunction in favour of the petitioners, the same will be binding on the competent authority and till the injunction is varied or modified, no encroachment or demolition can take place. Needless to say, we have not expressed any opinion on merits.

It is hereby made clear, this order shall operate *qua* the petitioners.

The special leave petitions stand disposed of accordingly.

As a sequel to the above, pending interlocutory applications, if any, also stand disposed of.

(Chetan Kumar)
A.R. - cum - P.S.

(Anand Prakash)
Court Master