

ITEM NO.26

COURT NO.12

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

Petition(s) for Special Leave to Appeal (C) No(s). 33274/2017

(Arising out of impugned final judgment and order dated 22-09-2017 in SA No. 892/2001 passed by the High Court Of Uttarakhand At Nainital)

PRAMOD KUMAR GUPTA & ANR.

Petitioner(s)

VERSUS

MUNICIPAL BOARD VIKASNAGAR & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.130359/2017-EXEMPTION FROM FILING O.T. and IA No.130358/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 15-12-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Mr. Kumar Mihir, AOR

For Respondent(s)

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

Issue notice limited to the statement in the impugned judgment contained at page 15 which reads as under:

"Hence, I hold that this green coloured shed property shown in the site plan of Mr. Garg is certainly the property of municipality, and not of either Mr. Laxmi Chand Gupta or his successors. So, I declare that their possession and construction thereon are wholly an encroachment and the same are liable to be removed

without initiating any further litigation under any law.
I answer these last two substantial questions of law
accordingly."

There shall be stay relating to the green portion alone
marked on the map (page 40 of the SLP paper book).

(SHASHI SAREEN)
AR CUM PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER