

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.14968-14969 OF 2017
(@ SPECIAL LEAVE PETITION (CIVIL) NOS. 9281-9282 OF 2013)

PARADEEP PORT TRUST & ANR.

...APPELLANT(S)

VERSUS

HOTEL PADMA PVT. LTD. & ANR. ETC

...RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The High Court has allowed the writ petition filed by the respondents holding that permission of the Central Government was required for removing the encroachment. We do not find any justification for the said view. However, learned counsel for the original writ petitioners-respondents herein submits that they have no objection to remove encroachment if there is any encroachment. Let the appellant(s)-Paradeep Port Trust give hearing to the respondents within a period of two months and if there is any encroachment, the appellant(s) are at liberty to remove the same. It will be open to the appellant(s) to determine whether the respondents have any locus and whether the lease which was granted by the appellant(s) has already expired and its legal effect.

The appeals are, accordingly, disposed of in
above terms.

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

NEW DELHI
18th SEPTEMBER, 2017

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

ITEM NO.5

COURT NO.11

SECTION XI -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) No(s). 9281-9282/2013
(Arising out of impugned final judgment and order dated 05-11-2012
in WP No. 5005/2003 and WP No. 6021/2003 passed by the High Court
Of Orissa At Cuttack)

PARADEEP PORT TRUST & ANR.

Petitioner(s)

VERSUS

HOTEL PADMA PVT. LTD. & ANR. ETC.

Respondent(s)

Date : 18-09-2017 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. Shubhranshu Padhi, Adv.
Mr. Nirnimesh Dube, AOR

For Respondent(s) Mr. Krishna Kumar, AOR

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

Leave granted.

The appeals are disposed of in terms of the signed
order.

Pending application(s), if nay, shall also stand
disposed of.

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

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER