

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 (Crl.) No(s). 1108/2019

(Arising out of impugned final judgment and order dated 07-01-2019 in WPCRL No. 448/2018 passed by the High Court of Uttarakhand at Nainital)

HEMANT DWIVEDI

Petitioner(s)

VERSUS

STATE OF UTTARAKHAND & ORS.

Respondent(s)

(IA No. 18794/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 06-12-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Parag P.Tripathi, Sr. Adv.
Mr. Pankaj Chaturvedi, Adv.
Mr. Satyajit A. Desai, Adv.
Ms. Anagha S. Desai, AOR
Mr. Anshuman Singh, Adv.

For Respondent(s) Mr. Ashutosh Kumar Sharma, Adv.
Mr. Saurabh Trivedi, AOR

Mr. Kuldeep Rai, Adv.
Ms. Manju Jetley, AOR
Mr. Varun Mishra, Adv.
Mr. Anubhav Yadav, Adv.
Mr. Ajay Sharma, Adv.

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

We are informed that the charge-sheet has been filed. However it is submitted by the learned senior counsel for the petitioner that the charge-sheet is predicated on demarcation done at the instance of the police authorities where some part of the land has been

found to be occupied by the petitioner as owned by the complainant. Without going into the question at present as to whether the present case would fall within the ambit of criminal jurisdiction, we feel that appropriate course of action would be to have the demarcation done in the presence of both the parties as the petitioner was not present when the demarcation was carried out but the complainant is stated to have remained present.

The Collector, Nainital is directed to issue necessary instructions to the SDM, to carry out demarcation in the presence of both the parties and the report of the demarcation with the covering report of the Collector be sent to this Court.

Needful be done with the assistance of the Revenue Officer within a period of two months from the date of receipt of the order.

Needless to say, demarcation be done uninfluenced by earlier demarcation.

List after the report is received.

Interim order dated 8th February, 2019 to continue till further orders.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER