

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal Nos. 5679-5680/2019
(arising out of SLP(C) Nos. 2685-2686/2015)

PRADEEP SINGH BISHT & ANR.

Appellants

VERSUS

STATE OF UTTARAKHAND THROUGH
CHIEF SECRETARY & ORS.

Respondents

with

Civil Appeal Nos. 5681-5682/2019
(arising out of SLP(C) Nos. 2733-2734/2015)
Civil Appeal Nos. 5683-5684/2019
(arising out of SLP(C) Nos. 2751-2752/2015)

O R D E R

Leave granted.

We have read and considered the order of the High Court impugned in the present appeals.

We have heard learned counsels for the parties.

On due consideration, we find that the High Court in coming to the impugned conclusions and in directing for eviction of the appellants/removal of alleged encroachments, had arrived at conclusions not supported by the documents on record. Merely because the report of the Advocate-Commissioners appointed by the Court had indicated that the appellants had raised unauthorised construction, the High Court could not have come to the impugned conclusions and issued directions as stated above. We are equally surprised that the Municipal Corporation, which now support the order of the High Court, did not take any action in the matter and did not exercise its power under the Statutes.

In the above circumstances, we allow the appeals set aside the order of the High Court and grant liberty to the Municipal Corporation to proceed in accordance with law, if so advised.

.....CJI
[Ranjan Gogoi]

.....J.
[Deepak Gupta]

.....J.
[Aniruddha Bose]

New Delhi;
July 19, 2019.

ITEM NO.60

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

Petition for Special Leave to Appeal (C) Nos. 2685-2686/2015

(Arising out of impugned final judgment and order dated 15-01-2015 in CLMA Nos. 11205/2014 and 11206/2014 and CWP No. 31/2012 passed by the High Court Of Uttarakhand At Nainital)

PRADEEP SINGH BISHT & ANR.

Petitioners

VERSUS

STATE OF UTTARAKHAND THROUGH
CHIEF SECRETARY & ORS.

Respondents

(IA No. 3/2015 - INTERVENTION APPLICATION)

WITH

SLP(C) Nos. 2733-2734/2015 (X)

SLP(C) Nos. 2751-2752/2015 (X)

(APP FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 3/2015)

Date : 19-07-2019 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner

Ms. Ruchira Gupta, Adv.
Ms. Mona Sinha, Adv.
Mr. Shishir Deshpande, AOR

Ms. Shashi Kiran, AOR
Dr. Satish Chandra, Adv.
Mr. Arjun Sain, Adv.
Mr. Manoj Jain, Adv.
Mr. Prabhoo Dayal Tiwari, Adv.

Ms. Surbhi Mehta, AOR

For Respondent

Mr. Bahar U. Barqui, Adv.
Mr. Aftab Ali Khan, AOR
Mr. M.Z. Chaudhary, Adv.
Mr. Arvind Kumar Kanva, Adv.
Mr. Syed Mohammed Aatif, Adv.
Mr. Ali Safeer Farooqi, Adv.

Mr. Syed Imtiaz Ali, Adv.

Mr. Gopal Jha, Adv.

Mr. M. Rambabu, Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. Manish Kumar, Adv.

Ms. Divya Roy, AOR

Mr. Abhishek Atrey, AOR

Mr. Jatinder Kumar Bhatia, AOR

Mr. Tanmaya Agarwal, Adv.

Mr. Rahul Kaushik, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeals are allowed in terms of the signed order.

Pending interlocutory applications, if any, shall stand disposed of.

(Deepak Guglani)
Court Master

(Anand Prakash)
Court Master

(signed order is placed on the file)