

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).4104/2005

(From the judgement and order dated 12/04/2004 in CR No. 385/2003 of
The HIGH

COURT OF PATNA)

STATE OF BIHAR & ANR.

Petitioner(s)

VERSUS

GAURI SHANKAR MISHRA (D) BY LRS.

Respondent(s)

(With appln(s) for c/delay in filing SLP and prayer for interim relief and office report)

WITH S.L.P.(C) NO. 4105 of 2005

(With appln(s) for c/delay in filing SLP)

(With office report)

Date: 18/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Mr. H.L. Aggarwal, Sr. Adv.

Mr. Kumar Rajesh Singh, Adv.

Mr. B.B. Singh, Adv.

For Respondent(s)

Mr. Vikas Singh, Sr. Adv.

Ms. Amrita Narayan, Adv.

Mr. Prashant Choudhary, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

Heard learned counsel for the parties.

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

(R.K. DHAWAN)

(VEERA VERMA)

COURT MASTER

COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2005

(Arising out of SLP(C) No.4104 of 2005)

STATE OF BIHAR & ANR.

.... Appellant

s.

VERSUS

GAURI SHANKAR MISHRA (D) BY LRS.

.... Responden

ts.

WITH

CIVIL APPEAL NO. OF 2005

(Arising out of SLP(C) No.4105/2005)

O R D E R

Delay condoned.

Leave granted.

Heard learned counsel for the parties.

The State is aggrieved by an order passed by the High Court

whereby the High Court refused to stay the proceedings of the Execution Court

in a land acquisition matter. We see from the impugned order that the

Execution Court has directed issuance of warrants against the judgment-debtor.

We are afraid, as to how the court issued warrants of arrest in a land acquisition

matter. We hereby set aside the order of arrest passed by the Execution Court.

The Execution Court is at liberty to proceed with the execution proceedings if

there is no stay of proceedings by any superior court.

The appeals are disposed of accordingly.

.....J

(K.G. BALAKRISHNAN)

.....J

(TARUN CHATTERJEE)

NEW DELHI ;

APRIL 18, 2005.