

ITEM NO.67

COURT NO.2

SECTION X

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).7945/2013

(From the judgement and order dated 01/01/2013 in WPPIL No.56/2012 of The HIGH COURT OF UTTARAKHAND AT NAINITAL)

MD.SAKIR & ORS.

Petitioner(s)

VERSUS

KAVINDRA SINGH KAFALIYA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

WITH

SLP(C) NO. 7947 of 2013

(With prayer for interim relief and office report)

SLP(C) NO. 7948 of 2013

(With prayer for interim relief and office report)

SLP(C) NO. 7949 of 2013

(With prayer for interim relief and office report)

Date: 17/02/2014 These Petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. Vijay Kumar, Adv.
Mr. B.J. Pandey, Adv.
Mr. Aniruddha P. Mayee, Adv.

For Respondent(s) Mr. Ravindra S. Garia, Adv.

Ms. Rachana Srivastava, Adv.
Mr. Atif Suhrawardy, Adv.

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

We have considered the reply filed by the Nagar Palika Parishad - respondent No. 7. We find that in support of the averment made in para D of the reply (page 87 of the paper book), no material has been placed on record. There is no site plan produced. Illegal encroachment, location of Intermediated College, adjoining wall and drain are not at all indicated by some authentic location plan. As a matter of fact, learned counsel for the Nagar Palika Parishad has referred to communication dated 08.02.2009 from which it appears that the revenue villages which were made part of Nagar Palika Parishad, the land of the village/public land/Kham land have not been transferred by the revenue department to the Nagar Palika Parishad and the maps and land record of the area within the jurisdiction of the Nagar Palika Parishad is still maintained by the revenue department.

Nagar Palika Parishad will do well in contacting the concerned department of the Government, get photocopy of the relevant revenue records and then file a comprehensive reply indicating to this Court whether or not encroachment by the petitioners is on the public road/drain and full details of such encroachment.

Comprehensive affidavit as above may be filed by Nagar

Palika Parishad within eight weeks.
List the matter thereafter.

|(Rajesh Dham)
|Court Master

| |(Renu Diwan)
| |Court Master

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