

ITEM NO.9

COURT NO.1

SECTION IX

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

I N D I A

Petition(s) for Special Leave to Appeal (C)  
9/2016

No(s). 144

(Arising out of impugned final judgment and order dated 21/12/2015  
in WPPIL No. 153/2015 passed by the High Court Of Gujarat at  
Ahmedabad)

AYUBALI MIRASAB SAIYED & ANR  
ner(s)

Petitio

VERSUS

UNION OF INDIA & ORS. Respondent(s)  
(with appln. (s) for exemption from filing O.T. and permission to  
place addl. documents on record and interim relief)

Date : 28/01/2016 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s)

Mr. H.A. Ahmadi, Sr. Adv.  
Mr. Rajiv Kumar, Adv.  
Ms. Kusum Chaudhary, Adv.

For Respondent(s)

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

Mr. H.A. Ahmadi, learned senior counsel appearing  
for the petitioners submits on instructions that the petitioners and other  
followers and devotees of the Durgarh in question have suggested  
two alternatives to the proposed shifting of the Durgarh to another  
location. The first alternative proposes a diversion to s

hift the  
Signature Not Verified

Durgarh area while the second is to construct a fly over to avoid  
Digitally signed by  
ASHOK RAJ SINGH  
Date: 2016.02.02

any perceived traffic obstruction on account of continuation of  
12:03:35 IST  
Reason:

Durgarh at its present location. He submits that  
both these alternatives could not be presented to the High Cou  
rt at the

hearing and that given an opportunity to do so the petitioners would be ready to offer the two alternatives for the consideration of the High Court. He submits that the entire expenditure on diversion or construction of fly over shall be borne by the petitioners. He seeks leave to withdraw this special leave petition with liberty to move the High Court by way of a review petition to make the above proposal.

This special leave petition is accordingly dismissed with the liberty prayed for. We make it clear that the High Court need not go into any other aspect except the feasibility of the two proposals which the petitioners have made. The petitioners may do the needful within two weeks from today. We make it clear that we have not expressed any opinion as to the feasibility of the proposals made or to be made in the Review Petition. The High Court shall be free to take an appropriate view in the matter in accordance with law.

(Ashok Raj Singh)  
Court Master

(Veena Khera)  
Court Master