

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

ORIGINAL SUIT NO.1 OF 2004

STATE OF UTTAR PRADESH . . . PLAINTIFF(S)

VERSUS

STATE OF UTTARANCHAL & ANR. . . DEFENDANT(S)

WITH

W.P.(C) No. 47/2004

O R D E R

We are glad to record that the States of Uttar Pradesh and Uttarakhand have settled their disputes in the Suit which has been pending for the last about 13 years or so.

The States have settled their disputes and differences on the following terms and conditions:

"i) In the total land comprising of 119000 sq. feet transferred earlier by the U.P. Irrigation Department to the U.P. Tourism Department, leaving the area on which the Hotel Alaknanda was constructed, a piece of land measuring 38 meter X 78 meters i.e. 2964 sq. meters had been identified as a spot situated on the northern side of the road connecting the Hotel Alaknanda Haridwar with the main road. This identified land can be used for the construction of a new building subsequently to be used as a Hotel. A passage of 3.5 meter wide shall be available to go to the Gangnagar from the aforesaid identified piece of land. There are electric pole and transformer already standing on the said proposed passage connecting Gangnagar with the proposed New Hotel. However, such obstructions by way of the Electric Pole/Transformer etc. can be removed in the future as

and when required to do so.

ii) All permissions/clearances for construction of the new hotel will be given/obtained by the Uttarakhand Government at the earliest.

iii) The construction of new Hotel will be carried out by the State of Uttar Pradesh after all necessary permission/clearance given by the State of Uttarakhand after which the ownership, title, control and management of the existing Hotel Alaknanda will be transferred to the State of Uttarakhand by the State of Uttar Pradesh immediately after completion of construction.

iv) The U.P. Tourism Development Corporation will independently own, run, operate and manage the new hotel premises that will be constructed.

v) The remaining vacant open space shall be jointly used by both State of Uttarakhand and State of U.P. for parking purposes."

However, learned counsel for the State of Uttarakhand says that there should be some time limit within which the State of Uttar Pradesh should apply for permissions/clearances for construction of new Hotel.

In our opinion, since there is no clarity on this issue, we are of the view that all clearances/permissions for construction of new Hotel should be applied by the State of Uttar Pradesh on or before 28th February, 2018 and the State of Uttarakhand will grant the necessary permissions/clearances at the earliest.

After necessary permissions/clearances are granted, the State of Uttar Pradesh will complete the construction within a period of two years, subject to *force majeure*.

The decree be prepared accordingly.

The Original Suit is accordingly disposed of.

W.P.(C) No. 47/2004

In view of the order passed above, the writ petition is disposed of.

.....J.
(MADAN B. LOKUR)

.....J.
(DEEPAK GUPTA)

NEW DELHI
JANUARY 15, 2018

ITEM NO.4

COURT NO.4

SECTION XVII

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

Original Suit (s). No(s).1/2004

STATE OF UTTAR PRADESH

Petitioner(s)

VERSUS

STATE OF UTTARANCHAL & ANR.

Respondent(s)

WITH

W.P.(C) No. 47/2004 (X)

Date : 15-01-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Ms. Aishwarya Bhati, AAG
Mr. Sohaib Alam, Adv.
Mr. R.K. Dubey, Adv.
Mr. Kamendra Mishra, AOR
Mr. Samir Ali Khan, AOR

For Respondent(s)

Mr. Vijay K. Jain, AOR

Mrs. D. Bharathi Reddy, AOR
Ms. Rachna Gandhi, Adv.
Ms. Vidyottma, Adv.

Ms. Rachana Srivastava, AOR

Mr. Samir Ali Khan, AOR

Mr. A.K. Panda, Sr. Adv.
Mr. Vijay Prakash, Adv.
Ms. Sunita Gautam, Adv.
Mr. G.S. Makker, Adv.

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

**The Original Suit and the writ petitions are disposed
of in terms of the signed order.**

Pending applications, if any, are disposed of.

(SANJAY KUMAR-I)

AR-CUM-PS

(Signed order is placed on the file)

(KAILASH CHANDER)

COURT MASTER