

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).3101/2005

(From the judgement and order dated 27/01/2005 in WP No. 198/2005
of The HIGH COURT OF BOMBAY BENCH AT NAGPUR)

N.K.HARCHANDANI

Petitioner(s)

VERSUS

VIJAY AND ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 27/02/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr. R.F. Nariman, Sr. Adv.

Mr. Sanjay Sen, Adv.

Mr. Rana S. Biswas, Adv.

Mr. Harish Dangre, Adv.

Mr. M.P.S. Chauhan, Adv.

Mr. S.T. Madnani, Adv.

Mrs Sarla Chandra, Adv.

For Respondent(s)

Mr. Shivaji M. Jadhav, Adv.

Mr. S.V. Deshpande ,Adv

Mr. S.S. Shinde, Adv.

Mr. V.N. Raghupathy ,Adv

UPON hearing counsel the Court made the following

O R D E R

We have heard counsel for the parties.

It is not disputed before this Court that pursuant to the order of the High Court dated 27.1.2005, the State Government has decided the matter by order dated 26.4.2005. That order has again been challenged by the petitioner before the High Court. The grievance of the petitioner is that having regard to the observations in the judgment and order of the High Court directing the State Government to decide the appeal, it left no option for the State but to pass an order of demolition. This is controverted by the counsel for the State.

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However, we need not go into this controversy since the matter is yet to be considered by the High

Court after the State Government has passed the order of demolition. We, therefore, dispose of this

petition with the observation that the High Court shall, while dealing with the writ petition now filed

by the petitioner, consider all aspects of the matter in accordance with law uninfluenced by any

observations in the earlier order of the High Court dated 27.1.2005 insofar as they may relate to the

merit of the question relating to the alleged violations and demolition. The observations made in the

earlier judgment of the High Court were made only for the purpose of that petition and not with a

view to express any opinion on the merit of the matter involved.

With these observations, the special leave petition is disposed of. The interim order

passed by us on 10.2.2005 shall operate for a period of three weeks from today during which pe

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the petitioner may seek appropriate remedy from the High Court.

(Ajay Kr. Jain)
(Vijay Dhawan)

Court Master
Court Master