

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).4043/2006

(From the judgement and order dated 19/10/2005 in SBCCP No. 447/2003 & SBCWP No. 1022/1980 of The HIGH COURT OF RAJASTHAN AT JAIPUR)

RAMJI LAL (D) THROUGH LRS. Petitioner(s)

VERSUS

G.D. ARYA & ORS. Respondent(s)

(With prayer for interim relief and office report)

Date: 10/05/2010 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Mr. K.K. Tyagi,Adv.
Mr. Iftekhar Ahmad,Adv.
Mr. P. Narasimhan,Adv.

For Respondent(s) Ms. Sandhya Goswami,Adv.
Mr. PS Tomar,Adv.
Mr. Jabar Singh,Adv.
Ms. N.Annapoorani ,Adv.

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

Pursuant to the orders of the High Court Site Report has been filed by officers concerned which is available as Annexure A-I at P.5 in I.A. Nos. 3 & 4/2009 which is as follows:-

"Today, on 4.1.09, the order passed on 14.11.09 in the S.L.P. No. 4045/2006 pending consideration before the Hon'ble Supreme Court is as under:-

"Learned Counsel appearing on behalf of the Contemnors stated the order of the High Court for removal of balcony shall be carried out within a period of one month."

In compliance of the aforesaid order dated 14.11.08, the police party along with the officer of Technical Branch reached the house of Nathu Ram Meena at Bagar-Ka-Baas, Alwar behind Police Line.

: 2 :

On 22.1.04 during the action taken for removing the encroachment, the slab of the roof and balcony of the house of Nathur Ram Meena being monolithic slab, the balcony was not removed on 4.1.09, and today on 4.1.09 with the help of power hammer/compressor (machine)/gas cutter and other equipments, the disputed balcony situated to the south of the house of Nathu Ram Meena and which could not be removed on 22.1.04 due to its being of monolithic slab, has been removed today. During the aforesaid action, the following motbirans remained present.

- 1.Executive Engineer, Sh.J.C. Solanki Sd/-
- 2.Asstt. Engineer, Sh. M.V. Gupta Sd/- 4.1.09
- 3.Anti Encroachment Officer, Niranjana Kumar Vashisht Sd/-
- 4.Junior Engineer Shri Kumar Sambhav Awasthi Sd/- 4.1.09
- 5.Junior Engineer Shri K.K. Yadav Sd/- 4.1.09
- 6.Sr. Clerk, Shri Sedu Ramji Sd/-
7. Munshi of the Trust Vijaya Kumar/Ashok Kumar/Roop Chandra/Vijay.
8. Shri Ramji Lal Meena, Petitioner. Sd/-
9. Shri Ram Kishan s/o Nathuram Meena Sd/-
Shri Ramji Lal Meena refused to put his signature.

Sd/- Sd/- Sd/- Sd/- Sd/- Sd/- Sd/-
4.1.09 4.1.09 4.1.09."

In view of the above Site Report submitted by the officers concerned, we are of the view that no further adjudication is required. The special leave petition is disposed of.

(Arvind)
Sr. P.A.

(Savita Sainani)
Court Master