

W.P(Crl.)No. 56 OF 2001

ITEM No.2

Court No. 7

SECTION X
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

(P.H.)(NMD CASE)
Writ Petition(Crl.) No. 56/2001

M.P. SHORAWALA

Petitioner (s)

VERSUS

STATE OF U.P. AND ORS.

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for directionsexemption from filing O.T.substituted service
directionsc/delay in filing counter affidavitexemption from filing O.T.)
(With Office Report)
With

SLP(C)No.6471/2001

Date : 02/05/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE BISHESHWAR PRASAD SINGH
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s) Mr. R.F. Nariman,Sr.Adv.
Mr. Jitendra Mohan Sharma,Adv.
Mr. Ravindra Kumar,Adv.

Mr. Shekhar Naphade,Sr.Adv.
Ms. C.K.Sucharita,Adv.

For Respondent (s) Mr. A.Sharan,Sr.Adv.
M/s. Mushtaq Ahmed,Athar Alam and
Anees Ahmad,Advs.

M/s Pramod Swarup,Praveen Swarup and
Ms. Pareena Swarup,Advs.

M/s Amalan Kumar Ghosh,P.K.Ghosh,Advs.
Mr. Ranbir Singh Yadav,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

The Writ Petition and SLP stand disposed of in terms
of signed order.

.SP1

(Y.P.Dhamija) (K.K. Chadha)
Court Master Court Master
Signed order is placed on the file

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION
WRIT PETITION (CRL.) NO. 56 OF 2001

M.P. Shorawala

&

Petitioner

Versus

State of U.P. and Others

&

Respondent

WITH SLP (C) No. 6471 of 2001

O R D E R

Heard the learned counsel for the parties.

Considering the dispute involved in the matter and widespread violence taking place, it is ordered that pending hearing and final disposal of Civil Suit Nos. 60/1988, 773/1987, 13/1998 and 297/1993 pending before the Civil Judge, Senior Division, Mathura, the District Magistrate would see that a boundary wall be constructed within one month from today. The cost of the said construction would be provided by the plaintiffs and the defendants as well as public at large for which the responsibility is taken by the petitioners (plaintiffs) as well as respondents before this Court.

In any case the petitioners would deposit for the time being more than Rupees Three Lakhs with the District Judge, Mathura within seven days from today and the District Magistrate would see that construction starts as early as possible.

It is further directed that 5th Additional District Judge, Mathura shall dispose of Civil Revision Application No. 31/2001 on or before 10th June, 2002.

Learned counsel for the parties agree that their counterparts would remain present before the Court on the date fixed for hearing and would not ask for any adjournment. It is also agreed that by chance if the learned Advocate fails to remain present, it would be open for the Court to decide the same on merits without granting any adjournment.

It is also agreed that the land under dispute is under police protection and that protection shall continue till the disposal of the suit. It is also agreed that pending hearing and disposal of the suits, none of the parties to the proceedings would try to enter into the disputed land would act as per the judgment and decree which may be passed by the Court.

As soon as the Revision Application is decided, considering the dispute involved in the matter, the Civil Judge, Senior Division, Mathura would dispose of the suits, preferably within six months from today. Learned counsel for the parties agree that their counterparts would cooperate in early disposal of the suits and would not ask for any adjournments, and in any set of circumstances, they would cooperate the concerned Judge even during the vacation to go on and to try the suits if the learned Judge thinks it proper.

With these observations, the Writ Petition and special leave petition stand disposed of.

& & & ..& & & & & .& & & .& &J.

(M.B. SHAH)

..& & & & & & .& & & & & .& &J.
(BISHESHWAR PRASAD SINGH)

..& & & & & & .& & & & & .& &J.
(H.K. SEMA)

New Delhi;
May 2, 2002.

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