

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).3304/2005
(From the judgement and order dated 05/11/2004 in SA No. 566/2001 of The HIGH
COURT OF UTTARANCHAL AT NAINITAL)

STATE OF UTTARANCHAL

Petitioner(s)

VERSUS

VIRENDER KR. & ANR.

Respondent(s)

(With prayer for interim relief)

WITH
SLP(C) NO. 19225 of 2005
(With appln(s) for exemption from filing c/c of the impugned Judgment)
(With prayer for interim relief and office report)

Date: 30/09/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN
HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s) Mr. Gourab K. Banerji, Sr. Adv.
Mr. Harsha Ray, Adv.
Mr. Saurav Agarwal, Adv.
Mr. Jaydeep Mazumdar, Adv.
Mr. T.M. Singh, Adv. for
Mrs.D. Bharathi Reddy,Adv.

For Respondent(s) Mr. R.N. Trivedi, Sr. Adv.
Mr. Shail Kumar Dwivedi,Adv.
Mr. G.V. Rao, Adv.

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

Plaintiffs-respondents filed Civil Suit No. 174/84 for perpetual
and
mandatory injunction against the defendant-petitioner from evicting the plaintiffs-
respondents from the suit land and also to restore their names in the Khatauni
claiming themselves to be the lessees. The trial court decreed the suit directing
that the names of the respondents be restored in the revenue record and
they
should not be evicted from the land in dispute till the decision of the proceeding
before the Board of Revenue (for short "the Board") . The order passed by the

trial court was upheld in the First Appeal as well as in the Second Appeal.

Aggrieved against the order passed by the High Court in Second Appeal No. 566/2001, SLP(C) No.3304/05 [State of Uttaranchal & Ors. v. Virender Kumar & Anr.] has been filed by the State-defendant. The State-defendant had also filed its Review Petition No. 7599/2004 in the High Court which was dismissed by the order dated 28.7.2005, aggrieved against which the defendant-State has filed SLP(C) No. 19225/05 [State of Uttaranchal v. Virender Kumar & Anr.].

Counsel for the parties have informed us that the Board of Revenue disposed of the Revision Petitions. The Board of Revenue initially decided the matter in favour of the respondents but later on in a reference to a larger Bench of the Board, question of law was decided against the respondents.

Against the order dated 22nd January, 1993 passed by the Board, petitioner filed a writ petition being WP No. 7176/2001 and against the order dated 22.12.1996 passed by the Board, respondents filed writ petition being WP No.920/2001 in the High Court. It is stated that both the petitions have been heard by the High Court and the orders were awaited. Later on the petitioners moved an application for producing certain additional documents, in which notice was issued to the respondents. The matter stands at that stage in the High Court.

In our opinion, it will be appropriate to take up this matter only after the decision of the High Court is rendered on the writ petitions. Let these special leave petitions be adjourned sine die to await the decision of the High Court in the aforesaid writ petitions.

We would, however, request the High Court to dispose of the writ petitions at an early date. Needless to mention, the Writ Court shall decide the writ petitions on their own merits without reference to the findings recorded in the impugned judgments.

(J.S. Rawat) (Kanwal Singh)
Court Master Court Master