

ITEM NO.1

COURT NO.10

SECTION XI

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

IA 4/2008 in Petition(s) for Special Leave to Appeal (Civil) No(s).
4415/2006

(From the judgement and order dated 08/02/2006 in WP No. 3768(M/B) of 2005
of The HIGH COURT OF ALLAHABAD, LUCKNOW BENCH AT LUCKNOW)

LAL BAHADUR

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(for directions and office report)

With
I.A.No.4 in SLP(C)No.5095/2006 (for directions and office report)

Date: 19/09/2008 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s) Mr. Kavin Gulati, Adv.

Ms. Rashmi Singh, Adv.
Mr. Aniruddha P. Mayee, Adv.
Mr. Sanjeev Kumar Choudhary, Adv.
Mr. Rucha A. Mayee, Adv.
Mr. Sanjay Visen, Adv.
Mr. P.V. Yogeswaran, Adv.

For Respondent(s) Mr. K.K. Venugopal, SR.Adv.

& applicant Mr. Mukul Rohatgi, Sr.Adv.
Mr. Shail Kumar Dwivedi, Addl. AG
Mr. G.V. Rao, Adv.
Mr. Manoj Kumar Dwivedi, Adv.
Mr. Gopal Shankar Narayana, Adv.

for Ms. Bina Madhavan, Adv.
M/S. Lawyer'S Knit & Co, Adv.

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Mr. Amit Anand Tiwari ,Adv
Mr. Vivek Singh, Adv.

Mr. Shakil Ahmed Syed, Adv.

UPON hearing counsel the Court made the following
ORDER

On 20.3.2006 we had directed status quo to be maintained. The State of U.P. has now filed an application seeking a direction for modification of the interim orders permitting the State Government to complete the construction of bundh measuring 5.95 Kms. in length and 24 metre in breadth by using a part of the lands of the petitioners, as the proposed bundh alignment requires it. It is stated that on account of the floods in the Gomti river, the work is urgent. It is stated that if the bundh is not constructed human life will be in danger.

Learned counsel for the petitioner has no objection for the bundh being constructed using part of their land provided the interim order is

continued in regard to the remaining portion. He also submitted that the petitioners in the SLPs withdraw the counter-affidavit filed by way of reply to the said IAs.

We accordingly allow I.A.No.4 in SLP(C)No.4415/2006 and I.A.No.4 in SLP(C)No.5095/2006 and permit the State Government to proceed with the construction of the said bundh through the land of the petitioners. It is made clear that in regard to the land which is not required for the bundh the order of status quo shall continue.

(PAWAN KUMAR)
COURT MASTER

(VIJAY DHAWAN)
COURT MASTER