

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).13267-13268/2009

(From the judgement and order dated 25/07/2006 in WP No.873/2006 dated 17/03/2008 in RA No.311/2006, WP No.873/2006 of The HIGH COURT OF UTTARAKHAND AT NAINITAL)

STATE OF UTTARANCHAL NOW UTTARAKHAND

Petitioner(s)

VERSUS

MURARI LAL

Respondent(s)

(With appln(s) for c/delay in filing SLP, permission to file rejoinder affidavit and prayer for interim relief and office report)
(For final disposal)

Date: 04/01/2013 These Petitions were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Mr. Jatinder Kumar Bhatia, AOR
Mr. Rahul Verma, Adv.

For Respondent(s) Mr. Ghan Shyam Vasisht, AOR
Mr. S.S. Lingwal, Adv.
Mr. Om Prakash Mishra, Adv.
Ms. Smriti Vasisht, Adv.

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

Delay condoned.

These special leave petitions are directed against the judgments and orders dated 25th July, 2006 and 17th March, 2008, passed by the Uttarakhand High Court in Writ Petition No.873 of 2006 and Review Application No.311 of 2006, allowing the writ petition and dismissing the review petition.

The entire question in this case revolves around the repeal of the Urban Land (Ceiling and Regulation) Act, 1976, in the State of Uttarakhand on 22th March, 1999. Section 4 of the said enactment provides that all proceedings under the Urban Land (Ceiling and Regulation) Act, 1976, would stand abated, in the event the State had not been able to take possession of the lands in question. In the instant case, from the materials on record, it appears that the respondent continued to be in possession of the properties even after the enactment of the aforesaid Act and, in any case, Section 4 of the Act squarely applies.

Accordingly, we find no substance in the special leave petitions, which are dismissed.

| (Chetan Kumar)
| Court Master

| | (Juginder Kaur)
| | Assistant Registrar

|