

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5350 OF 2013  
(ARISING OUT OF SLP(C) NO. 14616 OF 2012)

STATE OF UTTARAKHAND TR.CHIEF SEC.& ANR           Appellant(s)

VERSUS

BHARTIYA JAN SEVA SAMITI  
Respondent(s)

O R D E R

Heard learned counsel for the parties.  
Leave granted.

This appeal is preferred by the State of Uttarakhand challenging paragraph 5 of the impugned judgment, by which the Court has permanently injuncted the State from insisting on production of certificates suggesting that the applicant or his/her ancestors own land within the territory of Uttarakhand.

We are of the view that such a blanket order of injunction should not have been granted by the High Court, since the fact situation may differ from case to case.

In such circumstances, we are inclined to delete paragraph 5 of the impugned judgment.

Ordered accordingly.

Learned counsel appearing for the respondent submitted that subsequently a Circular dated 02.04.2013 has been issued by the State Government and which is under challenge before the Division Bench of the High Court of Uttarakhand. Hence, we express no opinion on the validity of the Circular.

The appeal is disposed of, as above.

.....J.

[K.S. RADHAKRISHNAN]

.....J.  
[PINAKI CHANDRA GHOSE]

NEW DELHI;  
JULY 10, 2013

ITEM NO.15                           COURT NO.9                           SECTION X

S U P R E M E   C O U R T   O F   I N D I A  
R E C O R D   O F   P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).14616/2012

(From the judgement and order dated 19/09/2011 in WPPIL No.47/2011 of The HIGH COURT OF UTTARAKHAND AT NAINITAL)

STATE OF UTTARAKHAND TR.CHIEF SEC.& ANR

Petitioner(s)

VERSUS

BHARTIYA JAN SEVA SAMITI

Respondent(s)

(With prayer for interim relief and office report)

Date: 10/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN  
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s) Ms. Rachana Srivastava,Adv.  
Mr. Utkarsh Sharma,Adv.

For Respondent(s) Mr. Amit Kumar,Adv.

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

Heard learned counsel for the parties.  
Leave granted.  
The appeal is disposed of in terms of the signed order.

| (NARENDRA PRASAD)  
| COURT MASTER

| | (RENUKA SADANA)  
| | COURT MASTER

(Signed order is placed on the file)