

ITEM NO.103

COURT NO.12

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

Civil Appeal No.6900/2009

STATE OF UTTARAKHAND & ORS.

Appellant(s)

VERSUS

RAJIV BERRY & ORS.

Respondent(s)

(with appln. (s) for permission to file affidavit and impleadment as party respondent and bring on record subsequent event and permission to file additional documents and exemption from filing O.T. and intervention and office report)

WITH

C.A. No. 6901/2009
(With Office Report)

Date : 08/04/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAMAJIT SEN
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Appellant(s)

Mr. U.K. Uniyal, Addl.Adv.General
Ms. Rachana Srivastava, Adv.
Mr. Utkarsh Sharma, Adv.

Mr. S. P. Sharma, Adv.

For Respondent(s)

Mr. Arun K. Sinha, Adv.

For intervenor

Mr. Jayant Kumar Mehta, Adv.
Mr. Saurabyh Dev Karan Singh, Adv.
Mr. Abhimanyu Mahajan, Adv.

Mr. M.L. Verma, Sr., Adv.
Ms. Sandhya Goswami, Adv.
Mr. M.P.S. Tomar, Adv.
Mr. Jabar Singh, Adv.

For intervenor
Signature Not Verified

Mr. Jayant Bhushan, Sr. Adv.

Digitally signed by
Usha Rani Bhardwaj
Date: 2015.04.09
16:48:38 IST
Reason:

Mr. K. Prasad, Adv.

Mr. Manish Bishnoi, Adv.

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

The Proposal as contained in the Order dated 14.01.2015

which has been put forward on behalf of the Respondents has not met

the approval of the Appellants before us.

The learned Additional

Advocate General appearing on behalf of the Appellants submits that

the possession of the land is with the State and secondly that the compensation has been duly deposited in the Court. Both the statements are strenuously contested by the learned Senior Counsel appearing for the Respondents.

In these circumstances, we direct the Appellant State to file an affidavit, by a Competent Officer, stating (a) the date on which the possession of the land in question was taken over by the State physically or otherwise and (b) the date of making the deposit of the compensation, along with the details as to where it was deposited. The Secretary, Secretariat Administration Department who is present in Court, states that he is the Competent Officer, and shall file an affidavit within a period of ten days from today furnishing the aforementioned details. An advance copy thereof be handed over to learned Counsel for the Respondents. Since the proposal for Settlement of the Appeals has fallen through, the Appeals will now be proceeded to be heard on 29th April, 2015.

(USHA BHARDWAJ)
AR-CUM-PS

(SAROJ SAINI)
COURT MASTER