

ITEM NO.201

COURT NO.13

SECTION X

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

I N D I A

Petition(s) for Special Leave to Appeal (C)

No(s). 7695/200

8

(Arising out of impugned final judgment and order dated 30/10/2006 in WP No. 416/2005 passed by the High Court Of Uttarakhand At Nainital)

BIJENDER SINGH

Petitioner(s)

s)

VERSUS

STATE OF UTTARANCHAL & ORS.

Respondent(s)

(With Appln. For c/delay in filing addl. Documents and exemption from filing O.T. and permission to file additional documents and office report)
(For final disposal)

Date : 28/09/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)

Mr. Shashi Kiran, Adv.
Mr. Manoj Gorekela, Adv.
Ms. Priya Sharma, Adv.
Mr. Abhinday Chandia, Adv.

Mr. Praveen Chaturvedi, Adv.

For Respondent(s)

Dr. Abhishek Atrey, Adv.

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

The petitioner herein participated in the auction of pine trees. He was the highest bidder and was given permit to cut and

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supply
Digitally signed by
ASHWANI KUMAR
Date: 2015.10.01

72 pine trees. According to the petitioner these were
16:59:21 IST
Reason:

chipped into 2160 pieces of different sizes. He could remove only

1642 pieces of them and remaining 518 pieces were not allowed to be

removed. He filed the writ petition. The relief prayed for by the petitioner is rejected in the following words:

"7. Thus, there is no remaining pieces of 518 pieces of the said remaining timber as has been claimed by the petitioner out of those 72 trees, which were sold in the auction in favour of the petitioner in the year 1996.

8. Therefore, the prayer No. 1 as prayed by the petitioner is liable to be rejected."

We find that in the counter affidavit filed by the respondent it is specifically stated that when request was made by the petitioner to issue transit permit to lift 518 pieces, inspection was carried out and at the site it was found that only 8 pieces were available.

Having regard to the aforesaid facts, it is not necessary to go into the issue. We make it clear that if there was some criminal cases filed against the petitioner and in those cases the petitioner has been acquitted, the allegations in those cases shall not be held against the petitioner in his dealings with the State in future.

The Special Leave Petition is disposed of in the aforesaid terms.

Interlocutory Application(s), if any, pending is disposed of accordingly.

(Ashwani Thakur)
COURT MASTER

(Renu Diwan)
COURT MASTER