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SLP(C)... 7793 OF 2003
ITEM No.13

Court No. 8

SECTION XI

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)..CC.7793/2003

(From the judgement and order dated 16/04/2003 in WP 302/01
of The High Court of Uttranchal at Nainital)

ABDUL HAMEED & ORS.

Petitioner (s)

VERSUS

STATE OF U.P. (NOW UTTRANCHAL) & ORS.

Respondent (s)

With I.A.1
(With Appln(s). for c/delay in filing SLP substitution and
c/delay in filing substitution appln.)

Date : 12/09/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s) Mr. S. Bhatnagar,Adv.
Mr. Pramod Kumar Pandey,Adv.
Mr. P.K. Pandey,Adv.
Mrs. Sangeeta Sharma,Adv.
Mr. Mohinder J.S.Rupal,Adv.
Mr. Madhup Singhal,Adv.
M/s Gagrat & Co.,Adv.

For Respondent (s)

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

The Special Leave Petition is dismissed as withdrawn.

It is stated on behalf of the petitioners that the High Court has directed that recovery proceedings be taken against the petitioner and recovery of damage from the petitioner be made on the basis that the petitioners were in possession of the land in question. According to the petitioners they were not in possession of the land in question. Their case was that third parties were in possession. Therefore, the question of initiating recovery proceedings against the petitioner or recovery of damages did not arise. The petitioner is given liberty to approach the High Court.

(Sarojbala)
PA to Addl.Registrar

(Madhu Saxena)
Court Master