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W.P(C)No. 749 OF 1995

ITEM No.32

Court No. 2

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(Civil) No.749/1995

SUPREME COURT MONITORING COMMITTEE

Petitioner (s)

VERSUS

MUSSOORIE DEHRADUN DEV. ATY. & ORS
(With Appln(s). for directions)
With

Respondent (s)

SUO-MOTU

CONMT.PET.(Civil)No.14-134/1998 in WP(C)749/1995(For prel. hearing)
,SLP(C)No.20791-20792/2001,
(With appln. for c/delay in filing SLP and exemption from filing c/c
of the impugned judgment and with prayer for interim relief)
W.P(C)No.469/1996
(For directions)

Date : 08/04/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s) Mr. Harish N. Salve, SG (A.C.)

Mr. Prashant Bhushan,Adv.

Mr. DK Garg, Adv.

For Respondent (s) Mr. Ajay K. Agrawal,Adv.
MDDA/State of Ms. Alka Agrawal, Adv.
Uttranchal/State of Mr. C. Siddharth, Adv.
U.P. Mr. Mahesh Chandra, Adv.
Ms. Anamika Agrawal, Adv.

Mr. UK Uniyal, Adv.

Mr. RC Kaushik, Adv.

Mr. Prashant Kumar, Adv.

Mr. Joseph Pookkatt, Adv.

Mr. A. Rab, Adv.

Ms. Archana Rab, Adv.

Mr. AK Srivastava, Adv.

Mr. Vikas Bansal, Adv.

Mr. RD Upadhyay, Adv.

Mr. Narayan N. Keswani, Adv.

Mr. Ramesh N. Keswani, Adv.

Mr. Ram Lal Roy, Adv.

Mr. R. Poddar, Adv.

Mr. BV Balram Das, Adv.

Ocean Const.Co.

Mr. RK Mehta, Adv.

Mrs. Uma Jain, Adv.

Mr. Dhruv Mehta, Adv.
Ms. Shobha, Adv.
Ms. Anu Mehta, Adv.

Mr. SK Gambhir, Sr.Adv.
Mr. H.K. Puri, Adv.
Mr. SK Puri, Adv.
Mr. Rajesh Srivastava, Adv.
Mr. Ujjwal Banerjee, Adv.
Ms. Anindita Gupta, Adv.

Mr. S.S. Jauhar, Adv.

Mr. Dinesh Kumar Garg, Adv.

Mrs Anil Katiyar, Adv.

Mr. Ashok K. Srivastava, Adv.

Mr. Debasis Misra, Adv.

Mr. P.N. Gupta, Adv.

UPON hearing counsel the Court made the following

O R D E R

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The Secretary, Ministry of Urban Development is directed to file an affidavit in response to this Court's order dated 4th March, 2002 to the effect that the UOI should consider having a law permitting the Government to take possession of the illegal construction as a receiver till the compliance that the building by-laws by the owner takes place. The affidavit filed on 18th March 2002 on behalf of the Ministry of Urban Development refers to the vesting of the property which was mooted on 7th January, 2002. Fresh affidavit should address itself to the question of possession being taken as receiver without depriving the owner of the title to the property even if illegally constructed. The Chief Secretary, State of Uttranchal is also directed to file the affidavit in response to this Court's Order dated 7th

January, 2002 and 4th March, 2002 in relation to vesting of illegally constructed property with the Government or the local bodies or their taking possession of the illegal construction as a receiver.

List these cases for hearing on 6th of August, 2002.

In IA No.8 issue fresh notice returnable on 6th August, 2002.

Dasti is permitted. Response of the respondents be filed before that.

SLP(C)No.20791-20792/2001@@
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Delay condoned.
The SLPs are dismissed.

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Hemalatha

(S.L. Goyal)
Court Master