

ITEM NO.19

COURT NO.11

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)...../2010
(CC 16494/2010)
(From the judgement and order dated 11/12/2009 in WC No.
66819/2009 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

AJAY KUMAR & ORS.

Petitioner(s)

VERSUS

STATE OF U.P.& ORS.

Respondent(s)

With I.A.1 (C/delay in filing SLP and c/delay in refiling SLP)

Date: 08/11/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr.Satendra Kashyap, Adv.

For Respondent(s)

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

Delay condoned.

This petition is directed against order dated 11.12.2009 passed by the Division Bench of the Allahabad High Court which refused to entertain the petitioners' prayer for issue of a mandamus to respondent Nos.1 to 5 to restrain respondent Nos.6 to 14 from occupying and encroaching the pond situated in Gata No.483 (Old No.774) of village Kaniya Kalyanpur within Tehsil Hapur, District Ghaziabad.

In our view, the High Court rightly refused to entertain the writ petition filed in the name of public interest more so because

2

the petitioner had approached the Court after 13 years of issue of patta by the competent authority in favour of respondent Nos.5 to 14.

With the above observations, the special leave petition is dismissed.

(Satish K.Yadav)

(Phoolan Wati Arora)

Court Master

Court Master