

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

Petition(s) for Special Leave to Appeal (Civil) No(s).16753/2011

(From the judgement and order dated 26/05/2011 in SA No.3/2011 of The HIGH COURT OF UTTARAKHAND AT NAINITAL)

HIMALAYA STONE CRUSHER PVT.LTD.& ANR. Petitioner(s)

VERSUS

STATE OF UTTARAKHAND & ORS. Respondent(s)

(With appln(s) for exemption from filing O.T.,PERMISSION TO FILE LENGTHY LIST OF DATES and prayer for interim relief and office report)

Date: 17/07/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK VERMA  
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.  
Mr. Vivek Gupta, Adv.

For Respondent(s) Caveator-In-Person, Adv. (Not present)

Mr. Abhishek Atrey ,Adv (Not present)

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

1. Mr. Ranjit Kumar, learned senior counsel, appeared for Petitioners and none appeared for Respondents 1 to 4. Respondent No.5 who used to appear in person, is not present today.

2. Learned senior counsel for Petitioners contended that pursuant to the order dated 03.03.2011 passed by Division Bench of the High Court of Uttrakhand at Nainital, Petitioner No.1 has already purchased another piece of land which is situated about 2 kms away from the river bed. According to him, there shall not be any difficulty in grant of crushing licence to the Petitioner/s now as it is for a different site.

3. Learned senior counsel prayed that a direction be given to the Collector, Haridwar (Uttrakhand) so that Application of Petitioner No.1 for grant of licence for the purposes of running the Crusher, may be considered on merits in accordance with law.

4. So far Petitioner No.1 could not file the said Application on account of pendency of the matter in the High Court.

5. In the light of this subsequent development, we deem it fit and proper to direct the Collector, Haridwar (Uttrakhand) to consider the Application of Petitioner No.1, which shall be filed within a period of 15 days from today and in case, Application is found in order in all respects, the same shall be considered by him on merits in accordance with law, without being influenced by any of the observations made by Division Bench of the High Court in the impugned order. The Collector, Haridwar (Uttrakhand) shall consider and dispose of the Application of Petitioner No.1 within a period of two months from the date of filing of the same.

6. However, the Collector, Haridwar (Uttrakhand) shall also consider the Petitioners' prayer for removal of metal which is lying at the earlier site in view of the notification issued by the State Government on 02.03.2012.

7. List the matter after six weeks.

| (Sanjay Kumar-II)  
| Master

Court

| (S.S.R. Krishna)  
| Court Master

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