

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.22499/2001

(From the judgement and order dated 08/05/2001 in CMWP 17434/01
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

CANTONMENT BOARD, MEERUT

Petitioner (s)

VERSUS

RAJEEV ANAND

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for exemption from filing O.T.)
(For Final Disposal)

Date : 29/11/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s) Mr. Arvind Kr. Sharma, Adv.
M/s. Lawyer's Knit & Co.

For Respondent (s) Mr. Dhruv Mehta, Adv.
Mr. Mohit Chaudhry, Adv.
Ms. Shalini Gupta, Adv.
M/s K.L. Mehta & Co., Adv.

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

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It is an interim order, in a way, as pending proceeding under Section 5(B) of Public Premises (Eviction of Unauthorised Occupants Act) respondent by impugned order has been permitted to continue to occupy the premises in question on the terms and conditions stipulated in the impugned order. During the pendency of

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this Petition, order for demolition under Section 5(B) of the Act has been passed. An appeal filed under Section 9 by the respondent against the order under Section 5(B) is pending before the District Judge, being an Appellate Authority under the Act. Under these circumstances we do not think it to be a fit case to interfere with the

impugned order in exercise of jurisdiction under Article 136. Questions raised in the petition are left open for decision in an appropriate case. Having regard to the facts and circumstances of the case, we direct expeditious disposal of the afore-mentioned appeal filed under Section 9 of the Act. The appeal shall be disposed of by the Appellate Authority within four weeks of the receipt of copy of this order. It would be for the Petitioner-Board to supply copy of the order to the Appellate Authority. The appeal will be decided on merits without being influenced by the dismissal of this petition or order dated 8th May, 2001 passed by the High Court.

The Special Leave Petition is disposed of accordingly.

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Madhu

(V.P. Tyagi)
Court Master