

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 (C) No(s). 10314-10315/2013

(Arising out of impugned final judgment and order dated 16/08/2010 in CMWP No. 64459/2006,18/04/2012 in CMRA No.276141/2010 in CMRP No. 64459/2006 passed by the High Court Of Judicature At Allahabad)

VED PAL SINGH

Petitioner(s)

VERSUS

STATE OF U.P.& ORS.

Respondent(s)

(With interim relief and office report)

Date : 08/08/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s)

Mr. S.R. Singh, Sr.Adv.
Mr. Avnish Singh, Adv.
Mr. Ankur Yadav, Adv.
Mr. susnant K. Yadav, Adv.
Mr. Yash Pal Dhingra,Adv.

For Respondent(s)

Mr. Aarohi Bhalla, Adv.
Mr. Ardhendumauli Kumar Prasad ,Adv.
Ms. Shalini Kumar, Adv.

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

Delay condoned.

The petitioner is aggrieved by the order of

the High Court dated 16.8.2010 passed in Civil
Signature Not Verified

Miscellaneous Writ Petition No. 64459 of 2006 which
Digitally signed by
Sukhbir Paul Kaur
Date: 2014.08.14
23:19:14 IST
Reason:

came to be rejected. The grievance of the petitioner

in the Writ Petition was against the order of the

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respondent dated 12.6.2006 whereby the petitioner was

to be evicted from the illegal encroachment to an

extent of 100 sq. yards in Khasra No. 419 in Village

Salarpur Khadar, Pargana and Tehsil Dadri. While

passing the said order of eviction, damages of

Rs.10,000/- and cost of Rs.15/- by way of execution charges were directed to be realized. The High Court while dismissing the Writ Petition, directed the sum of Rs.1,00,000/- deposited by the petitioner to be absorbed towards damages which even was deposited pursuant to the interim order passed by it earlier.

Heard Mr. S.R. Singh, learned senior counsel for the petitioner and Mr. Aarohi Bhalla, learned counsel for the respondents. Mr. S.R. Singh has made a categorical statement that the petitioner owns lands in Khasra No. 420 and has not made any encroachment in Khasra No. 419 and that appropriate verification can be carried out by the Authorities of the respondent.

In the light of the said statement made on behalf of the petitioner, we direct the respondents to hold a survey of the lands in Khasra Nos. 419 and 420. Since admittedly, the petitioner owns lands in Khasra No.420, on the course of the survey to be

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carried out by the approved Surveyors of the respondents, in the presence of the petitioner, if it is found that the petitioner has encroached to an extent of 100 sq. yards in Khasra No. 419 in village Salarpur Khadar, Pargana and Tehsil Dadri, the respondent will be at liberty to remove such encroachment from Khasra No. 419 without any further reference to the Court.

However, if the surveyor reports reveal that no encroachment was made by the petitioner in Khasra No. 419, the deposit of Rs.1,00,000/- made by the petitioner shall be refunded to the petitioner forthwith.

The aforesaid exercise shall be carried out by the respondents within six weeks from the date of receipt of copy of this order.

The special leave petition is disposed of.

(Sukhbir Paul Kaur)  
Court Master

(Sharda Kapoor)  
Court Master