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ITEM NO.201

COURT NO.2

SECTION IVA

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).24659/2008

(From the judgement and order dated 27/08/2007 in WA No.309/2007
of The HIGH COURT OF M.P AT JABALPUR)

STATE OF M.P.

Petitioner(s)

VERSUS

KARTAR SINGH BAGGA TR.LEGAL REP.

Respondent(s)

(With appln. for c/delay in filing SLP and prayer for interim relief and
office report) (For final disposal)

Date: 18/04/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P. SATHASIVAM

HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s) Mr. Arjun Garg, Adv.
Mr. Mishra Saurabh, Adv.

For Respondent(s)

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

Delay condoned

Leave granted.

The appeal is disposed of in terms of the signed order.

[Usha Bhardwaj]
Court Master

[Savita Sainani]
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3964 OF 2013

(Arising out of S.L.P. (Civil) No.24659 of 2008)

State of U.P.

.....Appellant

VERSUS

Kartar Singh Bagga Tr. Legal Representative

.....Respondents

O R D E R

Delay condoned.

Leave granted.

Heard learned counsel for the appellant- State.

Though notice duly served on the respondent none appears on behalf of respondent.

We were taken through the reasoning of the order passed by the learned Single Judge as well as the impugned order passed by the Division Bench of the High Court.

It is the grievance of the appellant State that the Division Bench after reproduction of paras 15 and 16 of the learned Single Judge's order simply affirmed the same and dismissed their appeal. According to the learned counsel, the learned Single Judge has failed to take into consideration the documents filed along with the writ petition which shows that the provisions of Section 29(1) of the Forest Act has been complied with and the disputed land has been declared as the reserve forest land. He also pointed out that various other specific grounds have been raised in

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the Memorandum of Appeal of the Writ Appeal and these grounds have not been adverted to by the Division Bench while dismissing their appeal.

In the light of the above submission, we have carefully perused the order of the learned Single Judge as well as the Division Bench. It is true that the Division Bench has not gone into the grounds raised by the State in the Memorandum of Appeal. On this ground without expressing any opinion on the merits of the claim made by the State, we set aside the impugned order and remit the same before the Division Bench. We request the Division Bench to restore the Writ Appeal No.309 of 2007 on its file and dispose of the same after considering the stand taken by the State as well as after affording opportunity to all the parties concerned by passing a reasoned order.

The appeal is disposed of accordingly.

.....J.
(P.SATHASIVAM)

.....J.
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