

ITEM NO.2

COURT NO.5

SECTION X

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) No(s).30110-30111/2010

(From the judgement and order dated 29/10/2009 in WP No.467/2008 and order dated 19/02/2010 in RA No.12/2010 in WP No.467/2008 of The HIGH COURT OF UTTARAKHAND AT NAINITAL)

MOHD.ASHRAF

Petitioner(s)

VERSUS

STATE OF UTTARKHAND & ORS.

Respondent(s)

(With appln(s) for Intervention/Impleadment)

Date: 04/05/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Ms. Anagha S.Desai, Adv.

For Respondent(s) Mr. Saurabh Trivedi, Adv.
Mr.Ashutosh Sharma, Adv.

Mrs.Anuradha Mutatkar, Adv.

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

This petition is directed against orders dated 29.10.2009 and 19.2.2010 passed by the Division Bench of the Uttarakhand High Court whereby the petitioner's prayer for issue of a mandamus to the respondents to award compensation to the victims of the riot, which took place at Chamba on 2.7.2006, was rejected.

During the pendency of the special leave petition this Court passed several interim orders and implored upon the respondents to examine the possibility of awarding suitable

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compensation to the persons affected by the riots keeping in view the assessment of damage made by District Magistrate, Tehri. On 13.04.2012 the Court directed the Home Secretary of Uttarakhand to file his own affidavit and indicate why decision has not been taken to award reasonable compensation to the victims of communal riots out of the Chief Minister's Discretionary Fund in terms of the 2002 rules.

In compliance of order dated 13.4.2012, Shri D.K. Kotia, Principal Secretary, Department of Home, Uttarakhand Secretariat, Dehradun (Uttarakhand) has filed affidavit dated 02.05.2012, a perusal of which shows that the State Government has decided to enhance the compensation to the extent of 50% of the damage assessed by the District Magistrate, Tehri.

In our view, the decision taken by the State Government is essentially just and we do not think that there is any scope for issue of a direction to the respondents to grant further enhancement in the amount of compensation.

In the result, the special leave petitions are disposed of with the direction that the additional amount sanctioned by the State Government be disbursed by District Magistrate, Tehri to the victims of the riots within a period of two months from today.

As a sequel to disposal of the special leave petitions, the application for intervention / impleadment is also disposed of.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master