

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).26900/2008

(From the judgement and order dated 06/08/2008 in CMWP No. 10594/2007 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

DAL SINGAR & ORS.

Petitioner(s)

VERSUS

STATE OF U.P.& ORS.

Respondent(s)

(With prayer for interim relief and office report )

Date: 01/09/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR

HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Ms. Mona Rajvanshi,Adv.  
Mr. Anurag Kashyap,Adv.

For Respondent(s) Mr. S.R. Singh, Sr. Adv.  
Mr. T.N. Singh, Adv.  
Mr. Manoj Dwivedi, Adv.  
Mr. G.V. Rao,Adv.

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

From the Office Report dated 31.8.2010, it appears that although Mr. G.V. Rao, Advocate, has filed Vakalatname & Memo of Appearance on behalf of the Respondent Nos. 1 to 3, no counter affidavit has been filed on their behalf. Mr. S.R. Singh, Senior Advocate, appearing for the respondents, submits that no counter affidavit is required to be filed in the matter.

Having heard learned counsel for the respective parties, we are not inclined to interfere with the order impugned in the Special Leave Petition. The Order indicates that the petitioner's representation was considered and rejected on the ground that possession has already been taken. Since the said stand on behalf of the State was questioned, the High Court indicated that the petitioner would be advised to file a suit to establish that he was still in physical possession of the premises in question.

We see no reason to take a different view, and the Special Leave Petition is accordingly dismissed.

(Manmohan Rawat)  
Sr. P.A

(Juginder Kaur)  
Court Master