

ITEM NO.47

COURT NO.8

SECTION X

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).29300/2008

(From the judgement and order dated 30/09/2008 in WP(M/S) No. 180/2008 of
The HIGH COURT OF UTTARAKHAND AT NAINITAL)

STATE OF UTTARAKHAND & ORS.

Petitioner(s)

VERSUS

M/S SKI & SNOW RESORTS P.LTD.

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim relief)

Date: 19/12/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr. Ravi Shankar Prasad, Sr.Adv.

Mr. L.P. Naithani, Sr.Adv.(AG)

Mr. Vaibhav Jain, Adv.

Mr. P.N. Gupta,Adv.

For Respondent(s)

Mr. L. Nageshwar Rao, Sr.Adv.

Mr. Aarohi Bhalla, Adv.

Mr. Shekhar Raj Sharma, Adv.

Mr. Subodh s. Patil, Adv.

Ms. Sujata Kurdukar,Adv.

UPON hearing counsel the Court made the following
ORDER

The State of Uttarakhand has filed this SLP being aggrieved by
the order dated 30.09.2008 passed by a learned Single Judge of the High
Court of Uttarakhand holding that the provisions of Section 157B of the
U.P. Zamindari Abolition & Land Reforms Act, 1950 is inapplicable in
the State of Uttarakhand and consequently quashing the proceedings

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initiated against the respondent.

The learned counsel for the petitioner-State submitted that as the
notice challenged in the writ petition was issued in a quasi-judicial
capacity, the petitioner was advised that the order should be challenged
directly by filing an SLP.

Having regard to the alternative remedy of intra special court
available to the petitioner we are of the view that the petitioner should
have recourse to the same. We therefore permit the petitioner, on its
request, to withdraw this petition and file an appeal before the High

Court. It will be appropriate if the High Court excludes the time spent in pursuing the SLP in calculating the limitation for the appeal.

In the facts and circumstances, there shall be a direction of status quo in regard to the land in question for a period of one month to enable the petitioner to approach the High Court and seek appropriate interim relief.

The special leave petition is accordingly dismissed as withdrawn.

(PAWAN KUMAR)
COURT MASTER

(ANAND SINGH)
COURT MASTER