

VERDICTUM.IN

SLP(C).....D.No.9841/23

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ITEM NO.35

COURT NO.7

SECTION X

S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL)Diary No(s).9841/2023

(Arising out of impugned final judgment and order dated 22-12-2022 in WPPIL No.116/2017 passed by the High Court of Uttarakhand at Nainital)

DINESH KUMAR PALIWAL & ORS.

Petitioner(s)

VERSUS

MUKTINATH PANDEY & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.90868/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.90886/2023-APPLICATION FOR SUBSTITUTION and IA No.90881/2023-EXEMPTION FROM FILING O.T. and IA No.90883/2023-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.90884/2023-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS and IA No.90889/2023-APPLICATION FOR ABATEMENT
IA No. 90889/2023 - APPLICATION FOR ABATEMENT
IA No. 90886/2023 - APPLICATION FOR SUBSTITUTION
IA No. 90884/2023 - CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS
IA No. 90868/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 90881/2023 - EXEMPTION FROM FILING O.T.
IA No. 90883/2023 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 12-05-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Devadatt Kamat, Sr. Adv.
Mr. Pankaj Singhal, Adv.
Ms. Ashima Gupta, Adv.
Mr. Harsh Pandey, Adv.
Ms. Revanta Solanki, Adv.
Mr. SN Shukla, Adv.
Ms. Rashmi Singhania, AOR

For Respondent(s) Mr. Prafulla Ranjan Tiwary, Adv.
Mr. Vibhu Tiwari, Adv.
Mrs. Shalu Raj, Adv.
Mr. Arvind Gupta, AOR
Mr. Santosh Kumar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. The application for permission to file the Special Leave Petition is allowed.
2. Delay condoned.
3. The application for setting aside abatement and the application for substitution are also allowed.
4. Amended memo of parties be filed within two weeks.
5. Issue notice, returnable on 18.08.2023.
6. Mr. Arvind Gupta, learned counsel, who appears on caveat on behalf of respondent No.1, accepts and waives service of formal notice upon the said respondent.
7. The State of Uttarakhand (respondent No.2 herein) along with respondent Nos.3 and 4 be served through the standing counsel as well as through dasti notice.
8. Respondent No.5 be served through dasti notice.
9. Meanwhile, *status quo* re: demolition, possession and basic amenities be maintained by the parties, subject to:
 - (i) Payment of Rs.15,000/- per month by every shop keeper, as user charges, to the State Government w.e.f. 01.01.2023. The arrears of user charges shall be deposited with the State Government within two weeks. The State authorities shall accept the said amount without prejudice to their legal rights.
 - (ii) The High Court of Uttarakhand is requested to take up WPMS No.999/2009 along with WPMS No.1971/2011 and WPMS No.2048/2011 immediate on Board for final hearing. Hon'ble the Chief Justice of the Uttarakhand High Court is requested to assign the above-mentioned Writ Petitions to an appropriate Bench, with an endeavour to decide the said Writ Petitions by 31.07.2023.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)