

ITEM NO.10

COURT NO.7

SECTION XI

S U P R E M E C O U R T O F
R E C O R D O F P R O C E E D I N G S

I N D I A

I.A. 3 & 4/2016 in

Petition(s) for Special Leave to Appeal (C)

No(s). 34428/2015

(Arising out of impugned final judgment and order dated 24/11/2015
in WP No. 46/2013 passed by the High Court Of Judicature at
Allahabad, Lucknow Bench)

SUGRIV VERMA AND ORS

Petitioner(s)

VERSUS

STATE OF U.P. AND ORS

Respondent(s)

(With applications for directions and exemption from filing O.T.)

Date : 10/05/2016 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s)

Mr. Aseem Chandra, Adv.
Mr. Farrukh Rasheed, Adv.

For Respondent(s)

Mr. Mukul Rohatgi, Attorney General
Mr. P.S. Patwalia, ASG
Mr. Bharat Sangal, Adv.
Ms. Varnika Tomar, Adv.
Ms. Vidhushi Garg, Adv.UPON hearing the counsel the Court made the following
O R D E RI.A. No.4 - Application for exemption from
filing official translation is allowed.

I.A. No.3 has been filed seeking directions

Signature Not Verified

Digitally signed by
NEETU KHAJURIA

to the respondent Nos. 2 and 3 in the Special Leave

Date: 2016.05.11

17:52:53 IST

Reason:

Petition not to raise any construction in the land
of the petitioners.

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The aforesaid directions have been sought on
the basis of the order dated 05.01.2016 passed by
this Court at the time of issuance of notice in the

Special Leave Petition. By the said order this Court had directed that status quo, as on 05.01.2016, with regard to the possession of the land be maintained.

Contending that status quo order has been violated and constructions have been raised, I.A. No.3 has been filed by the petitioners seeking the directions as noticed above.

The respondent Nos. 2 and 3 have filed a reply in I.A. No.3, wherein it is stated that possession of the land was taken on 16.08.2012 and mutation in the name of NTPC was done on 31.08.2012. The said facts, it is pointed out, are recorded in the order of the High Court which is under challenge in the Special Leave Petition. Furthermore, in paragraph IX of the reply filed by the respondent Nos. 2 and 3, it is stated that the work of setting up of Stage-II of the Tanda Thermal Power Plant had started on 03.11.2014 during the pendency of the Writ Petitions in the High Court.

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In the light of the above facts, which have not been controverted, this Court would understand that the order of status quo dated 05.01.2016 passed by the Court cannot have the effect of preempting the respondents from carrying on the construction activity. Consequently, the prayer seeking the direction(s) as above is wholly untenable and is rejected. I.A. No. 3 is accordingly, dismissed.

List the special leave petition for final disposal on Tuesday in the month of November, 2016.

(Neetu Khajuria)

(Asha Soni)

Sr. P. A.

Court Master