

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

(1) Writ Petition No. 1738 of 2014 (M/S)

State of UttarakhandPetitioner.

Versus

M/s Akansha Construction Company LimitedRespondent.

WITH

(2) Writ Petition No. 1739 of 2014 (M/S)

State of UttarakhandPetitioner.

Versus

Mountain Construction CompanyRespondent.

AND

(3) Writ Petition No. 1740 of 2014 (M/S)

State of UttarakhandPetitioner.

Versus

NaushadRespondent.

AND

(4) Writ Petition No. 1741 of 2014 (M/S)

State of UttarakhandPetitioner.

Versus

M/s Senweel Company ConstructionRespondent.

AND

(5) Writ Petition No. 1742 of 2014 (M/S)

State of UttarakhandPetitioner.

Versus

SanjayRespondent.

AND

(6) Writ Petition No. 1743 of 2014 (M/S)

State of UttarakhandPetitioner.

Versus

M/s Akansha Construction Company LimitedRespondent.

AND

(7) Writ Petition No. 1744 of 2014 (M/S)

State of UttarakhandPetitioner.

Versus

NaushadRespondent.

Mr. I.P. Kohli, Standing Counsel for the State of Uttarakhand / petitioner.

Mr. Arvind Vashistha and Mr. H.S. Mahra, Advocates for respondent.

Hon'ble V.K. Bist, ACJ.

The Hon'ble Supreme Court allowed Special Leave Petition Nos. 11741 of 2006, 16476 of 2006, 16477 of 2006, 16478 of 2006, 16481 of 2006, 16482 of 2006, 16483 of 2006 and 16484 of 2006. While allowing the said Special Leave Petitions, Hon'ble the Supreme Court set aside the order passed by the Board of Revenue on the ground of jurisdiction and remanded the matter back to the Board of Revenue, Uttarakhand. More than three years have passed but Board of Revenue has not decided the revisions. During the pendency of the revisions, the Collector, Dehradun passed an order on 29.01.2014 for recording the name of the State in the revenue records. Revision was filed before the Board of Revenue and the Board of Revenue vide order dated 16.05.2014 allowed the revisions and set aside the order dated 29.01.2014 passed by the Collector. Aggrieved by the said order, present writ petitions have been filed.

2. Since controversy involved in all the petitions is identical, therefore for the sake of convenience, all petitions were consolidated and are being decided by a common judgment. Writ Petition No. 1738 (MS) 2014 shall be the leading petition.

3. Heard learned counsel for the parties and perused the record.

4. The main grievance of the petitioner is that, in case order passed by the Board of Revenue is continued, the respondents will grasp the property in question.

5. Learned counsel appearing for the respondents submitted that since the matter is pending for last several years, therefore, the Board of Revenue may be directed to decide the revisions expeditiously. Learned Standing Counsel for the petitioners/State also did not raise any objection, incase such direction is issued. This Court also thinks it just and proper to issue such direction, as the litigation is pending for the last 17 years.

6. In view of the above, all the petitions are disposed of with the direction to the Board of Revenue, Uttarakhand to decide Revision Nos. 51 of 1997, 52 of 1997, 53 of 1997, 54 of 1997, 55 of 1997, 56 of 1997 and 57 of 1997, expeditiously, preferably within a period of three months from the date of production of certified copy of the order. Till the disposal of the revisions, the respondents are directed not to eliminate the property in question in any manner.

7. All pending applications also stand disposed of.

8. Let a copy of this order be also placed in the connected petitions.

(V.K. Bist, ACJ.)

30.07.2014

Sanjay