

ITEM NO.39

COURT NO.2

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). 289/2023

(Arising out of impugned final judgment and order dated 20-12-2022 in WPPIL No. 30/2022 passed by the High Court Of Uttarakhand At Nainital)

ABDUL MATEEN SIDDIQUI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.2960/2023-EXEMPTION FROM FILING O.T. and IA No.2958/2023-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.2959/2023-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.2961/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

Diary No(s). 42509/2022 (X)

(FOR ADMISSION and I.R. and IA No.3066/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.3067/2023-EXEMPTION FROM FILING O.T. and IA No.3063/2023-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.3065/2023-PERMISSION TO FILE LENGTHY LIST OF DATES)

Diary No(s). 16/2023 (X)

(FOR ADMISSION and I.R. and IA No.2703/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.2704/2023-EXEMPTION FROM FILING O.T. and IA No.2702/2023-PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Diary No(s). 542/2023 (X)

(FOR ADMISSION and I.R. and IA No.3150/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.3151/2023-EXEMPTION FROM FILING O.T. and IA No.3149/2023-PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Diary No(s). 617/2023 (X)

(IA No.3160/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.3159/2023-EXEMPTION FROM FILING O.T. and IA No.3161/2023-PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Diary No(s). 619/2023 (X)

(FOR ADMISSION and I.R. and IA No.3134/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.3132/2023-EXEMPTION FROM FILING O.T. and IA No.3129/2023-PERMISSION TO FILE PETITION

(SLP/TP/WP/..)

Date : 05-01-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Salman Khurshid, Sr. Adv.
Mr. Siddharth Luthra, Sr. Adv.
Ms. Lubna Naaz, AOR
Ms. Sommya Chaturvedi, Adv.
Ms. Arushi Jain, Adv.
Mr. Akshat Kumar, Adv.
Mr. Sandeep Tiwari, Adv.

Mr. Prashant Bhushan, AOR
Ms. Rashmi Singh, Adv.
Ms. Ria Yadav, Adv.

Dr. Suman Bharadwaj, Adv.
Mr. Vidant Bharadwaj, Adv.
Ms. Mridula Ray Bharadwaj, AOR

Mr. Colin Gonsalves, Sr. Adv.
Ms. Kawalpreet Kaur, Adv.
Mr. Piyush Garg, Adv.
Mr. Satya Mitra, AOR

Mr. Abhijeet Swaroop, Adv.
Mr. Akshay Sapre, Adv.
Mr. Akshat Kumar, Adv.
Mr. Utkarsh Srivastava, Adv.
Mr. Vinam Gupta, AOR

For Respondent(s) Mrs. Aishwarya Bhati, A.S.G.
Mr. Mayank Pandey, Adv.
Mr. Keetan Paul, Adv.
Mr. Ketan Paul, Adv.
Ms. Shivika Mehra, Adv.
Mr. Digvijay D., Adv.
Mr. Manvendra Singh, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Abhijeet Singh, Adv.
Mr. Amrish Kumar, AOR

Mr. Vipin Nair, AOR
Mr. P B Suresh, Adv.
Mr. P.b.suresh, Adv.
Mr. Karthik Jayashankar, Adv.
Mr. Rajeev Singh Bisht, Adv.
Mr. Arindham Ghosh, Adv.

Mr. Vinayak Mishra, Adv.

Mr. Jatinder Kumar Sethi, Dy. AG

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

Applications for permission to file SLPs are allowed.

Applications for exemption from filing official translation and c/c of the impugned judgment and permission to file lengthy list of dates and additional documents/facts/annexures are allowed.

We have heard learned counsel for the parties.

Learned ASG has emphasized the need of the Railways but the moot point to be considered would be the stand of the State Government also as to whether the complete land is to vest in the Railways or the State Government is claiming a part of the land.

Apart from that, there are issues of occupants claiming rights in the land as lessees/auction purchasers. We have cavil to the way the directions have been passed in the impugned order as there cannot be uprooting of 50 thousand people overnight within seven days. We do believe that a workable arrangement is necessary to segregate people who may have no rights in the land and those who have but to be removed but coupled with schemes of rehabilitation which may already exist while

recognizing the need of the Railways.

We have put to learned ASG that look may be had to the methodology of achieving the purpose of the requisite land being made available to the Railways coupled with the rehabilitation of the persons in the area.

In pursuance to the earlier Supreme Court orders, proceedings under the Public Premises (Eviction of Unauthorized Occupants) Act have been taken up and have culminated in orders. Some appeals are stated to be pending but without stay. Those proceedings will go on.

Issue notice.

Learned ASG accepts notice on behalf of the Railways.

Mr. Jatinder Kumar Sethi, Deputy Advocate General who has joined the proceedings virtually accepts notice for the respondent State.

In the meantime, there shall be stay only of the directions passed in the impugned order(s). That has also to be coupled with complete restraint on any further occupation of land and/or construction whether by the existing occupants or by anyone else.

List on 07.02.2023.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)