

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). /2024
(ARISING OUT OF SLP(C) No.26936/2023)

BIRENDRA SINGH

APPELLANT(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. By the impugned order the High Court has modified the interim order dated 23.11.2022. The said interim order was operating almost for a period of ten months.
3. We, therefore, find that vacating the interim order and permitting the construction may result in *fate accompli* when the matter is heard finally.
4. In that view of the matter and particularly taking into consideration that the matter also involves environmental issues, we quash and set aside the impugned order. We also request the High Court to decide the petition on its own merits, as expeditiously as possible and preferably within three months from today.
5. The appeal is, accordingly, disposed of.

6. Pending application(s), if any, shall stand disposed of.

.....J
(B.R. GAVAI)

.....J
(SANDEEP MEHTA)

NEW DELHI;
JANUARY 02, 2024

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

Petition(s) for Special Leave to Appeal (C) No(s). 26936/2023

(Arising out of impugned final judgment and order dated 05-09-2023 in WPIL No. 44/2020 passed by the High Court of Uttarakhand at Nainital)

BIRENDRA SINGH

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

(IA No.253358/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.253356/2023-EXEMPTION FROM FILING O.T. and IA No.253355/2023-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.256935/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 02-01-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Mr. P.B. Suresh, Adv.
Mr. Vipin Nair, AOR
Mr. Karthik Jayashankar, Adv.
Mr. Arindam Ghosh, Adv.
Mr. Anshumaan Bahadur, Adv.
Mr. P.B. Sashaankh, Adv.

For Respondent(s) Mr. C.U. Singh, Sr. Adv.
Mr. Sushil Dutt Salwan, Sr. Adv.
Mr. Vikas Srivastava, Adv.
Mr. Anshul Tyagi, Adv.
Mr. J.P. Singh, Adv.
Mr. Aditya Garg, Adv.
Mr. A. Karthik, AOR

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

1. Leave granted.
2. The appeal is disposed of, in terms of the signed order.

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS

(BEENA JOLLY)
COURT MASTER (NSH)

(Signed order is placed on the file)