

ITEM NO.30

COURT NO.1

SECTION X

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).798/2018

[Arising out of impugned final judgment and order dated 19-11-2016 in WP(PIL) No.32/2014 passed by the High Court Of Uttarakhand At Nainital]

STATE OF UTTARAKHAND & ORS.

Petitioner(s)

VERSUS

VIJAY BAHADUR SINGH RAWAT

Respondent(s)

WITH

[ITEM NO.30.01 - SLP(C) No.799/2018 (X)
(FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 14760/2018
FOR VACATING STAY ON IA 26420/2018);
[ITEM NO.30.2 - SLP(C) No.801/2018 (X)].

Date : 16-03-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Vishwa Pal Singh, Adv. [AOR]
Mr. Ashutosh Sharma, Adv.

For Respondent(s) Mr. Colin Gonsalves, Sr. Adv.
Ms. Swati Sood, Adv.
Mr. Satya Mitra, Adv. [AOR]

Mr. Sandeep Sethi, ASG
Mr. S.S. Ray, Adv.
Ms. Prerna Priyadarshini, Adv.
Mr. B. V. Balaram Das, Adv. [AOR]

Mr. Aditya Gautam-in-person

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

Leave granted.

Permission to appear and argue in person is granted. The appeals are allowed in terms of the signed order. There shall be no order as to costs.

(Subhash Chander)
AR-cum-PS

(H.S. Parasher)
Assistant Registrar

[Signed Order is placed on the file]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.2899 OF 2018
[Arising out of S.L.P.(C)No.798 of 2018]

State of Uttarakhand & Ors. ... Appellants

Versus

Vijay Bahadur Singh Rawat ... Respondent

W I T H

CIVIL APPEAL NO.2900 OF 2018
[Arising out of S.L.P(C)No.799 of 2018
AND
CIVIL APPEAL NO.2901 OF 2018
[Arising out of S.L.P(C)No.801 of 2018

O R D E R

C.A.No.2900/2018 @ S.L.P.(C)No.799 /2018 and
C.A.No.2901/2018 @ S.L.P.(C)No.801 /2018

Leave granted.

Permission to appear and argue in person is granted.

Heard Mr. Vishwa Pal Singh, learned counsel appearing for the appellants; Mr. Colin Gonsalves, learned senior counsel appearing for respondent nos.1 and 7 in civil appeal arising out of S.L.P.(C)No.801 of 2018; and Mr. Ajay Gautam, respondent no.1-in-person in civil appeal arising out of S.L.P.(C)No.799 of 2018.

Having heard learned counsel for the appearing parties and the respondent-in-person, we are of the considered opinion that the directions of the nature issued by the High Court should not have been issued in a Public Interest Litigation.

We will be failing in our duty if we do not note the submission of Mr. Gonsalves that certain directions may

... /2

withstand scrutiny. Respondent appearing in person submitted that certain directions have been complied with by the State.

We are not inclined to get into that. However, if the respondents make out a specific case for interference before the High Court which comes within the domain of judicially manageable and/or permissible standards, it may pass appropriate orders.

Resultantly, the appeals are allowed and the impugned orders are set aside. There shall be no order as to costs.

C.A.No.2899/2018 @ S.L.P.(C)No.798/2018

Leave granted.

Despite service of notice, no one has appeared on behalf of the sole respondent.

Having heard learned counsel for the appellants, we are of the considered that the directions of the nature issued by the High Court should not have been issued in a Public Interest Litigation.

Resultantly, the appeal is allowed and the impugned order is set aside. There shall be no order as to costs.

.....CJI.
[DIPAK MISRA]

.....J.
[A.M. KHANWILKAR]

.....J.
[Dr. D.Y. CHANDRACHUD]

New Delhi.
March 16, 2018.