

ITEM NO.20

COURT NO.4

SECTION XI

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

Petition(s) for Special Leave to Appeal (C) No(s). 3085/2018

(Arising out of impugned final judgment and order dated 08-11-2017 in PIL No. 13243/2017 passed by the High Court Of Judicature At Allahabad)

WAQF MASJID HIGH COURT

Petitioner(s)

VERSUS

HIGH COURT OF JUDICATURE ALLAHABAD REGISTRAR
GENERAL & ORS.

Respondent(s)

([Matter will be taken up in the first round itself]
IA No. 40584/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 127885/2020 - EARLY HEARING APPLICATION
IA No. 14576/2018 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 14573/2018 - PERMISSION TO FILE LENGTHY LIST OF DATES)

WITH
SLP(C) No. 4317/2018 (XI)

Date : 13-03-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Mr. C. U. Singh, Sr. Adv.
Mr. Huzefa A. Ahmadi, Sr. Adv.
Mr. M. R. Shamshad, AOR
Mr. Farrukh Rasheed, Adv.
Mr. Mohammad Nizamuddin Pasha, Adv.
Ms. Aprajita Jamwal, Adv.
Mr. Aditya Samaddar, Adv.
Mr. Arijit Sarkar, Adv.
Ms. Nabeela Jamil, Adv.

Ms. Indira Jaising, Sr. Adv.
Mr. Fuzail Ahmad Ayyubi, AOR
Mr. Ibad Mushtaq, Adv.
Mr. Paras Nath Singh, Adv.
Ms. Akanksha Rai, Adv.
Mr. Inderjeet Singh Maini, Adv.
Mr. Harjeet Singh Maini, Adv.

For Respondent(s) Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Tanmaya Agarwal, AOR
Mr. Wrick Chatterjee, Adv.
Mrs. Aditi Agarwal, Adv.

Ms. Aishwarya Bhati, A.S.G.
Mr. Rana Mukherjee, Sr. Adv.
Ms. Garima Prasad, A.A.G.
Mr. Rajeev Kumar Dubey, Adv.
Mr. Kamendra Mishra, AOR

Mr. Rameshwar Prasad Goyal, AOR
Mr. Manu Yadav, Adv.

Mr. Vibhav Mishra, Adv.
Ms. Megha Gaur, Adv.
Mr. Ekansh Bansal, Adv.
Mr. Parmanand Gaur, AOR

Mr. Chander Uday Singh, Sr. Adv.
Mr. Adeel Ahmed, AOR

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

Having heard Shri Kapil Sibal and Ms. Indira Jaising, learned Senior Advocates appearing for the respective petitioners, Shri Rakesh Dwivedi learned Senior Advocate, appearing on behalf of the High Court of Judicature at Allahabad and Ms. Aishwarya Bhati, learned ASG and Mr. Rana Mukherjee, learned Senior Advocate, appearing on behalf of the State at considerable length and having gone through the impugned judgment and order passed by the High Court and, more particularly, the disputed property in question is needed for a public purpose to be used by the High Court of Allahabad and when cogent reasons have been given and taking into consideration the earlier order passed by this Court dated 16.07.2012 in C.A. No. 2006 of 2003 [Azim Ahmad Kazmi and Ors. vs. State of U.P. & Anr.] by which the original lessees were granted 3

months' time to vacate the demised premises in question, we see no reason to interfere with the impugned judgment and order(s) passed by the High Court.

Hence, both the Special Leave Petitions stand dismissed.

However, it will be open for the petitioners to make a representation to the State Government for allotment of alternative space in the nearby area pointing out the availability and/or suitability of the land, which may be considered by the State Government in accordance with law and on its own merits and if such lands pointed out are not required for any other public purpose either present or in future.

However, we still grant further 3 months' time to demolish the demised construction in question by the petitioners and if the demised construction is not removed within a period of 3 months' from today, it will be open for the appropriate authority/authorities, including the High Court, to get the demised construction removed/demolished.

Pending applications stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR