

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.887 OF 2023

YAKUB SHAH

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

ORDER

Heard learned counsel for the petitioner and the respondents.

In the present petition, restraint order is asked for, in relation to large scale eviction of persons by demolition of their properties. In the view of the Union of India, they are unauthorized occupants of certain land belonging to the railways.

Mr. Sen, learned senior counsel for the petitioner, questions the title of the Union of India over the land and argues that the persons residing on such land have acquired ownership right in respect thereof on the basis of adverse possession. But that is a personal right of a nature which cannot be determined in a writ petition brought by one of the occupiers and has to be determined on the basis of evidence.

Admitted position is that a suit is pending, instituted by the occupants or residents of the said land, before the Civil Court at Mathura. In the said suit, relief of permanent injunction is claimed. The relief claimed in this petition, in our opinion, is better examined in the suit only. In such circumstances, as proceedings are pending, we dispose of this writ petition giving liberty to the petitioner to apply for relief before the Suit Court.

We make it clear that we have not made any comment on the merits of the matter in this order and all points are left open to be determined by the Suit Court.

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

.....J.
[ANIRUDDHA BOSE]

.....J.
[SANJAY KUMAR]

.....J.
[S.V.N. BHATTI]

NEW DELHI;
AUGUST 28, 2023.

ITEM NO.67

COURT NO.3

SECTION X

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

Writ Petition (Civil) No. 887/2023

YAKUB SHAH

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 28-08-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Prashanto Chandra Sen, Sr. Adv.
Mr. Kaushik Choudhury, AOR
Ms. Radha Tarkar, Adv.
Mr. Aaron Shaw, Adv.
Mr. Saksham Garg, Adv.
Mr. Jyotirmoy Chatterjee, Adv.

For Respondent(s) Mr. Tushar Mehta, Solicitor General(N/P)
Mr. Amrish Kumar, AOR
Mr. Rajat Nair, Adv.
Mr. Adit Khorana, Adv.
Mr. Akshit Pradhan, Adv.

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

The present petition stands disposed of in
terms of the signed order which is placed on the
file.

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

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(VIDYA NEGI)
ASSISTANT REGISTRAR

