

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

Civil Appeal No(s).3518/2023

ABDUL MATEEN SIDDIQUI

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

C.A. No.3523/2023 (X)

(FOR ADMISSION and I.R.)

C.A. No. 3519/2023 (X)

(FOR ADMISSION and I.R.)

C.A. No. 3520/2023 (X)

(FOR ADMISSION and I.R.)

C.A. No. 3521/2023 (X)

C.A. No. 3522/2023 (X)

(FOR ADMISSION and I.R.)

C.A. No. 3525/2023 (X)

C.A. No. 3526/2023 (X)

C.A. No. 3527/2023 (X)

C.A. No. 3524/2023 (X)

SLP(C) No. 15457/2024 (X)

(FOR ADMISSION and I.R. and IA No.80721/2023-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.80722/2023-EXEMPTION FROM
FILING O.T.)

Date : 24-07-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE UJJAL BHUYANFor Appellant(s) Mr. Kailash Pandey, Adv.
Mr. Ranjeet Singh, AOR
Mr. Krishna Yadav, Adv.
Mr. Bibhu Dutta Das, Adv.Mr. Salman Khurshid, Sr. Adv.
Mr. Siddharth Luthra, Sr. Adv.
Mr. G. Hasnain, Sr. Adv.
Ms. Lubna Naaz, AOR
Ms. Arushi Jain, Adv.
Ms. Sommya Chaturvedi, Adv.
Mr. Kushagra Raghuvanshi, Adv.
Mr. Karanvir Gogia, Adv.
Mr. Prudhvi Sameat, Adv.
Mr. Ayush Agarwal, Adv.

Mr. Prudhvi Samrat, Adv.
Ms. Azra Rehman, Adv.
Mr. Tanveer Khan, Adv.
Mrs. Seema Khan, Adv.

Mr. Sulaiman Mohd Khan, Adv.
Mrs. Taiba Khan, Adv.
Mr. Bhanu Malhotra, Adv.
Mr. Gopeshwar Singh Chandel, Adv.
Ms. Aditi Chaudhary, Adv.
Mr. Abdul Bari Khan, Adv.
Mr. Rohit Amit Sthalekar, AOR

Mr. Sanpreet Singh Ajmani, AOR
Mr. Amit Kumar, Adv.
Mr. Digant Mishra, Adv.

Mr. Rauf Rahim, Sr. Adv.
Mr. Mansoor Ali, AOR
Mr. Bilal Mansoor, Adv.
Ms. Rubina Jawed, Adv.
Ms. Shamshevish Rein, Adv.
Mr. Aldanish Rein, Adv.
Ms. Maheravish Rein, Adv.
Mr. Ankush Kalra, Adv.

Mr. Prashant Bhushan, AOR
Ms. Ria Yadav, Adv.
Ms. Alice Raj, Adv.

Dr. Sumant Bharadwaj, Adv.
Mr. Vedant Bharadwaj, Adv.
Ms. Mridula Ray Bharadwaj, AOR
Mr. D.m.sharma, Adv.
Dr. Manoj Kumar, Adv.
Mr. Tanay Hari Har Lal, Adv.
Ms. Apoorva Chauhan, Adv.
Mrs. Surbhi Sharma, Adv.

Mr. Colin Gonsalves, Sr. Adv.
Ms. Kawalpreet Kaur, Adv.
Mr. Umesh Kumar, Adv.
Mr. Satya Mitra, AOR

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

For Respondent(s) Mr. P.B. Suresh, Sr. Adv.
Mr. Vipin Nair, AOR
Mr. Karthik Jayashankar, Adv.

Mr. Nikhil Menon, Adv.
Ms. M.B. Ramya, Adv.
Mr. Mohd Aman Alam, Adv.

Mrs. Aishwarya Bhati, A.S.G.
Mr. Amrish Kumar, AOR

Mr. Mayank Pandey, Adv.
Mr. Ketan Paul, Adv.
Mrs. Shivika Mehra, Adv.
Mrs. Noor Rampal, Adv.
Mr. Raghav Sharma, Adv.

Mr. Balbir Singh, Sr. Adv.
Mr. Abhishek Atrey, AOR
Mr. Ashutosh Kumar Sharma, Adv.
Ms. Ambika Atrey, Adv.
Ms. Jyoti Verma, Adv.
Mr. Naman Tandon, Adv.
Ms. Monica Benjamin, Adv.
Mr. Shyam Gopal, Adv.

Ms. Farhat Jahan Rehmani, AOR
Mohd. Naved, Adv.

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

1. This application (IA No.223864/2023) has been moved by the Union of India for vacation/modification of the interim order dated 05.01.2023, on the ground that a part of the land in dispute is urgently required to safeguard the railway track and the Haldwani Railway Station. It is averred that Gaula River, which flows near the Haldwani Railway Station/Railway Lines, after heavy rains on 09.08.2023, damaged a part of the retaining wall, which was being constructed to protect the railway lines. The flow of the river is stated to be so critical that railway operations have been closed at Haldwani Railway Station. It is also pointed out that the alleged encroached land is imminently required for expansion of the Station and augmentation of facilities like additional railway

lines, platforms, washing pit, sick line shed, stabling lines, rate handling platform, etc., without which, the Haldwani Railway Station cannot be functional.

2. We have heard learned Additional Solicitor General of India in support of the prayer in this application and learned counsel representing the State of Uttarakhand. Learned senior counsel/counsel on behalf of the appellants/petitioners have also been heard.

3. It transpires during the course of hearing that approximately 30.040 hectares land, owned by the Railways/State, has been allegedly encroached upon. Further, 4365 houses are said to have been constructed at the site, where over 50,000 persons are living.

4. During the course of hearing, some video and still photographs have been referred to demonstrate the expeditious need of a part of the subject-land to shift the defunct railway line, besides development of the requisite infrastructure.

5. In view of the fact that hundreds of families are living at the site for decades, we have impressed upon the Union of India and the State of Uttarakhand to undertake the following exercise without any delay:

(i) In the first phase, to identify the strip of the land (the width and the length), which is required immediately for the purpose of shifting of the railway line or for construction of necessary infrastructure;

(ii) To identify the families, who are likely to be affected in the event of vacation from that land; and

(iii) The proposed site where such affected/uprooted families can

be rehabilitated.

6. Since the aforementioned point no.(iii) would require a policy decision at the Union/State level, we direct the Chief Secretary, State of Uttarakhand to convene a meeting with the Railway Authorities, to be attended by Senior Officers from the Railway Ministry along with the Divisional Railway Manager of Railways, Uttarakhand and the Officers from Ministry of Housing and Urban Development, Government of India, so as to evolve a Rehabilitation Scheme subject to such terms and conditions which may be fair, just, equitable as well as acceptable to all the sides.

7. The first initiative shall be to identify the land, which is needed immediately (with full description of khasra number and the area of each khasra number). Similarly, the families, who are likely to be affected in the event of taking possession of that land be also identified without any delay.

8. The aforesaid exercise shall be completed within four weeks. The report along with the site or conceptual plans and other relevant documents be placed on record, besides the compliance affidavit.

9. Post the matters on 11.09.2024.

10. Interim directions to continue.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR