

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 (Civil) No(s).1829 OF 2004
(From the judgement and order dated 10/11/2003 in LPA No. 775/2003
of The HIGH COURT OF DELHI AT N. DELHI)

GRAND VASANT RESI. WELFARE ASSON. & ANR.

Petitioner(s)

VERSUS

D.D.A. & ANR.

Respondent(s)

(With prayer for interim relief)

WITH

S.L.P.(C) NO. 6178-6179 of 2004 (With prayer for interim relief)
(For Final Disposal)

Date: 28/02/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner(s)

Mr. M N Krishnamani, Sr. Adv.

Mr. Sanjay Bansal, Adv.

Mr. G.K. Bansal, Adv.

Mr. Reepak Kansal, Adv.

For Respondent(s)

Mr. V B Saharya, Adv.

for M/s Saharya & Co., Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeals are allowed in terms of the signed order.

(D.P. WALIA)

(RADHA R. BHATIA)

COURT MASTER

COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2005

[arising out of SLP(C) No. 1829 of 2004]

Grand Vasant Residents Welfare Association

& Anr.

... Appellants

vs.

D.D.A. & Anr.

... Respondents

[with Civil Appeals Nos. of 2005 arising out of SLP(C)
Nos. 6178-6179/2004]

O R D E R

Leave granted.

After hearing the learned counsel for the parties, we are satisfied that the impugned orders of the High Court putting the appellants on term to deposit the price of the land, said to be a park, as a condition precedent to the hearing of the writ petition cannot be sustained. The appeals are allowed and the impugned orders are set aside.

After hearing the appellants herein and other parties before it, the High Court may pass such order as it deems fit regarding the price of land (park) while disposing of the matter before it finally. So far as the amount of Rs. 15 lakhs already deposited by the appellants is concerned, that shall be retained in fixed deposit by the High Court and may be directed to be

appropriated or refunded consistently with the final judgment in the
petition.

.....CJI
(R.C. LAHOTI)

.....J
(D.M. DHARMADHIKARI)

New Delhi;

February 28, 2005.