

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

Petition for Special Leave to Appeal (Civil) No.4327/2009
(From the judgement and order dated 19/09/2008 in CMWP No. 40141/2007 of
The HIGH COURT OF JUDICATURE AT ALLAHABAD)

OM PRAKASH AGRAWAL & ANR.
VERSUS

Petitioner(s)

RAM LAKHAN

Respondent(s)

(With appln(s) for directions and permission to file additional documents
and with prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 8265 of 2009

(With appln(s) for permission to file additional documents and office
report) (For Final disposal)

SLP(C) NO. 4603 of 2009

(With prayer for interim relief and office report) (For Final Disposal)

SLP(C) NO. 5471 of 2009

(With appln(s). for permission to file additional documents and with prayer
for interim relief and office report)
(For Final Disposal)

SLP(C) NO. 4551 of 2009

(With appln(s) for permission to file additional documents and with prayer
for interim relief and office report)
(For Final Disposal)

SLP(C) NO. 61 of 2009

(With appln. for exemption from filing O.T. and permission to file
additional documents and with prayer for interim relief and office report)
(For Final Disposal)

SLP(C) NO. 1550 of 2009

(With appln(s) for permission to file additional documents and with prayer
for interim relief and office report)
(For Final Disposal)

SLP(C) NO. 1553 of 2009

(With appln(s) for permission to file additional documents and with prayer
for interim relief and office report)(For Final Disposal)

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SLP(C) NO. 1552 of 2009

(With appln(s) for permission to file additional documents and with prayer for interim relief and office report)
(For Final Disposal)

SLP(C) NO. 1551 of 2009

(With appln(s) for permission to file additional documents and with prayer for interim relief and office report)
(For Final Disposal)

SLP(C) NO. 1197 of 2009

(With appln(s) for permission to file additional documents and with prayer for interim relief and office report)
(For Final Disposal)

Date: 01/11/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s) Mr. Braj Kishore Mishra, Adv.
Mr. Vikram Patralekh, Adv.
Mr. Ujjwal K Jha, Adv.
Ms. Aparna Jha, Adv.
Mr. Sidharth Arya, Adv.
Mr. Satish Vig, Adv.

For Respondent(s) Mr. Nikhil Nayyar, Adv.

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

SLP(C) No. 4327/2009

Learned counsel for the petitioner states that as the sole respondent, namely, Ram Lakhan has already vacated the premises in his occupation, he has been instructed not to press the petition. Accordingly, the special leave petition is dismissed as not pressed.

SLP(C) NOs. 8265, 4603,5471, 4551, 61, 1550, 1553 1552,1551 and 1197 of 2009

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We have heard learned counsel for the parties at some length. Having regard to the peculiar facts and circumstances of the case as also the nature of the controversy involved in these petitions, we feel that it would be proper and expedient to dispose of these petitions in the following terms:

1. At present, only 9 respondents in these petitions, residing in the subject premises, are before this Court. Out of the said 9 tenants, 7 tenants presently occupy one-room tenement whereas 2 tenants occupy two-room tenements.

2. The petitioners will construct a three-storyed block, in accordance with the map annexed hereto, on the Eastern boundary of the plot, abutting 100 feet wide road. Since there is a tree on the plot on which the building is proposed to be constructed, therefore the construction will be divided in two parts as shown in the map, forming part of this order.

3. The said structure shall comprise 12 rooms each admeasuring at least 125 sq.feet. There shall be a 3 feet wide verandah/passage in front of the rooms. Out of the said 12 rooms, 10 rooms shall be given on

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rent/lease to the 9 respondents, before this Court, in the manner indicated in the attached map. Those who are presently occupying one-room tenement will be given one room each and those who are presently occupying two-room tenement will be given two rooms each. The remaining one room shall be in the possession of and for use of and/or for disposal by the petitioners.

4. The 9 respondents shall be accommodated in the following manner. On the ground floor one room each will be leased out to Pramod Bajpai, Shanti Devi and Jamuna Devi as indicated in the map as G-1 to G-3. On the first floor of the block, marked as F-1 to F-4, one room each will be leased out to Om Prakash Yadav and one room each will be leased out to Sudarshan, Raju and Gulam Hussain as indicated in the map. On the second floor of building two rooms will be leased out to Sushila Devi as S-1 to S-2 and two rooms to Ram Nagina as S-3 to S-4, indicated in the map. The remaining two rooms on the second floor shall remain for the use/disposal of the petitioners.

5. Along with the rooms, the petitioners will also construct a common bathroom and toilet, admeasuring

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10'x 3', with basic facilities on each floor. Common stair case shall also be provided with a main gate.

6. It shall be open to the petitioners to construct a wall around the said structure, in order to demarcate the remaining property for their use without any interference by the respondents/tenants.

7. The lease in favour of the respondents by the landlord-petitioners shall be regulated by the relevant provisions of law, which would otherwise have been applicable to the block proposed to be constructed.

8. The respondents shall be inducted as tenants in the newly constructed block, at the same rate as they are presently paying, subject to variation by mutual agreement or as may be permissible in accordance with law.

9. Till the respondents are allotted the newly constructed rooms, they shall continue to occupy their respective tenements, except for Ram Nagina and Sushila Devi, who will be shifted as per the stipulation mentioned hereinafter.

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10. Ram Nagina and Sushila Devi are at present occupying two rooms which fall on the portion of the plot on which construction of the building is proposed. In the interregnum, they will be provided with two rooms each on the same plot of land till they are put in possession of the newly constructed rooms as per the map annexed.

11. The respondents will not claim any right(s) and shall not interfere in the possession of the petitioners over the remaining portion of the land, after the aforesaid block is constructed and possession handed over to them.

12. All electricity charges, water charges, municipal tax etc. relating to the present tenements in the occupation of the respondents, if any, till the date of shifting to the new block, shall be paid by the respondents before possession of the newly constructed block is handed over to them. The said charges/levies in respect of the new accommodation shall also be payable by the respondents in future.

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13. The respondents shall pay the arrears of rent, if any, to the petitioners and shall continue to pay regularly to the petitioners the future rent in accordance with law.

14. The rights and liabilities of Harihar (the sole respondent in SLP(C) No. 4603/2009) are left open with liberty to him to agitate them in accordance with law.

| [Charanjeet Kaur] | | [Kusum Gulati] |
| Court Master | | Court Master |