

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.5836/2000

(From the judgement and order dated 02/11/1999 in CWP 15321/99
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SUBHASH CHANDER KATARIA

Petitioner (s)

VERSUS

CHANDIGARH ADMN. & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 02/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s) Mr. Vimal Dave, adv.
Ms. Neelam Kalsi, adv.

For Respondent (s) Ms. Kamini Jaiswal, adv.
Ms. Shomila Bakshi, adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

Leave granted.
The appeal is disposed of in terms of the
signed order.

.SP1

(Kanchan Jain)
AR-cum-PS

(Prem Prakash)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2 OF 2001@@
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arising out of

SPECIAL LEAVE PETITION (CIVIL) NO. 5836 OF 2000@@
CC

Subhash Chander KatariaAppellant

VS.

Chandigarh Administration & Ors.Respondents

O R D E R@@
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.....L....I....T.....T.....T.....T.....T.....T.....T....J
.SP2

Leave granted.

We have heard learned counsel for the parties. In the peculiar facts and circumstances of this case and taking note of the submission made by learned counsel for the appellant that the entire amount which was due to the estate office stands already deposited by the appellant as early as on 5th October, 1988, we consider it appropriate to dispose of this appeal by the following Order:

The appellant may make an application for re-allotment of land under the Rules within four weeks from the date of this order. The respondents shall consider that application in accordance with Rules and on payment of such amounts as are payable under the Rules by the appellant. The respondents while determining the amount

due from the appellant shall take into account the amounts which are stated to have been paid by the appellants. The respondents shall also give due consideration to the fact that possession of land has continued to remain with the appellants, while passing appropriate orders on the application for re-allotment, in the interest of justice and equity.

The application for re-allotment of the land shall be disposed of, as far as possible, within eight weeks from the date of filing of the application before the competent authority. The appellant shall remain present on the date, to be fixed by the competent authority, for disposal of the application but if he does not remain present, it shall be open to the respondents to pass appropriate orders on that application, without any fresh notice to the appellant in that behalf.

The appeal is disposed of in the above terms.

.SP1

.....CJI

.....J.
(R. C. LAHOTI)

.....J.
(BRIJESH KUMAR)

New Delhi
January 2, 2001.