

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL No.3276 OF 2009

M/S SUNDARSONS & ORS. .. APPELLANT(S)

Versus

STATE OF MAHARASHTRA & ORS. .. RESPONDENT(S)

O R D E R

It was urged by the learned counsel appearing for the appellants that in spite of there being no restriction on alienation with respect to the property held by them, in the impugned order, it was observed that in case it was considered proper action may be initiated on receipt of application. It is clear that Circular of 31<sup>st</sup> October, 2001 regarding issue of NOC has been held to be without authority of law. Such action can only be initiated when there is violation of condition of alienation not otherwise as and when such action is initiated, it would be open to the appellants to question it in accordance with law. When an application is received it has to be dealt with in accordance with law. Obviously, before taking any adverse action, authority has to prima facie satisfy itself that there is violation of the conditions imposed by the Government, while making alienation only in that case adverse action has to be taken not otherwise. Therefore, we are of view that no modification of order is required.

When any adverse action is initiated, all the questions are left open to be agitated, as to its legality to be raised before appropriate forum/authority, in accordance with law.

Accordingly, the appeal is disposed of.

.....J.  
[ARUN MISHRA]

.....J.  
[S. ABDUL NAZEER]

NEW DELHI,  
NOVEMBER 23, 2017.

ITEM NO.109

COURT NO.10

SECTION IX

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 SCivil Appeal No(s). 3276/2009

M/S SUNDARSONS &amp; ORS.

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA &amp; ORS.

Respondent(s)

Date : 23-11-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Appellant(s) Mr. K.V. Vishwanathan, Sr.Adv.  
Mr. Rishi Agrawala, Adv.  
Ms. Parul Shukla, Adv.  
Mr. Rishabh Parekh, Adv.  
Mr. Suraj Iyer, Adv.  
Mr. E. C. Agrawala, AOR

For Respondent(s) Mr. Atul Chitale, Sr.Adv.  
Mr. Gurjyot Sethi, Adv.  
Ms. Tanvi Kakar, Adv.  
Mrs. Suchitra Atul Chitale, AOR

Mr. Nishant R. Katneshwarkar, Adv  
Mr. Arpit Rai, Adv.  
Ms. Deepa Kulkarni, Adv.

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

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

(USHA RANI BHARDWAJ)  
AR CUM PS(JAGDISH CHANDER)  
BRANCH OFFICER

Signed order is placed on the file.