

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2433 OF 2019

M/S. LUXMI TEA CO.PVT.LTD. ...Appellant

Vs.

RAM KRUSHNA DASMOHAPATRA ...Respondent

O R D E R

We have heard learned counsel for the parties.

The subject matter of suit property, the lease granted by the State of Odisha has expired and the case of the appellant that they are entitled to extension for which purposes they have moved competent authority and filed Writ Petition (Civil) No. 7894/2012 in which an order was passed on 3rd May, 2012 qua further resumption.

It is a case of the appellant that they do not recognise the respondent while the respondent claim rights as a lessee. This right is claimed under a deed dated 4th November, 1987 which is for 21 years and unregistered. Of course, this is disputed by the appellant.

The grievance of the appellant is that the respondent is enjoying the property without paying a penny. On the other hand learned counsel for the respondent states that the hotel is closed. To counter this, learned senior counsel

for the appellant states that while the hotel may be closed, the adjacent areas are being let out for marriages and other function, that position being disputed by the respondent.

We may take note of the fact that in the suit filed for injunction by the respondent, interim relief has already been declined while the respondent offered to pay the monthly rent of Rs.25,000/-, it is since the appellant disputed the status of the respondent, the cheque amount was not received. Thus, the fact remains that the respondent remains in possession without paying a penny.

We are thus of the view that in the fitness of things the possession of the property be taken over by the State of Odisha, as a perpetual lessor. This would be of course subject to the rights of the parties for which they have filed proceedings or may file proceedings. The same would be the position qua right of the appellant to recover the rent/use and occupation charges from the respondent.

We have not gone into the merits of the contention including plea of suppression found against the appellant

We thus close the present proceedings with a direction to the Collector, District Puri, State of Odisha to take possession of the suit property described as under:

"Khasmahal leasehold land Balukhand Khasmahal Estate, Holding No.290 (1131 New) Plot No.892 (Eight hundred ninety two), Touzi No.459 (four hundred fifty nine), area - Ac.0.423 (four hundred twenty three dec.)boundary by

North - Plot No.903
South - Portion of Plot No.904
East - Portion of Plot No.892

West - portion of Plot No.899 location -
Near Pantha Niwas"

A copy of the order be forthwith forwarded to the Collector who will file a compliance report within two weeks of the receipt of the order.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[K.M.JOSEPH]

New Delhi;
March 05, 2020.

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 S

Civil Appeal No(s). 2433/2019

M/S LUXMI TEA CO. PVT. LTD.

Appellant(s)

VERSUS

RAM KRUSHNA DASMOHAPATRA

Respondent(s)

(IA No. 143792/2018 - APPOINTMENT OF COMMR./RECEIVER
IA No. 143797/2018 - CLARIFICATION/DIRECTION
IA No. 143576/2018 - STAY APPLICATION)

Date : 05-03-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPHFor Appellant(s) Mr. K.V.Vishwanathan, Sr. Adv.
Mr. Partha Mukherjee, Adv.
Mr. Partha Sil, AOR
Mr. Anirban Sen, Adv.
Mr. Tavish B. Prasad, Adv.For Respondent(s) Mr. Ashok Panigrahi, AOR
Mr. S. Vinay Ratnakar, Adv.
Mr. Anmol Tayal, Adv.UPON hearing the counsel the Court made the following
O R D E R

Heard learned counsel for the parties.

In terms of the signed order, present proceedings
are closed.

Accordingly the civil appeal is disposed of.

Pending applications shall also stand disposed of.

(ANITA MALHOTRA)
COURT MASTER(ANITA RANI AHUJA)
COURT MASTER

(Signed order is placed on the file.)