

ITEM NO.14

COURT NO.8

SECTION IVA

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).7097/2006

(From the judgement and order dated 22/11/2005 in MCC No. 964/2005 in WP No. 4062/2004 of The HIGH COURT OF M.P AT JABALPUR)

RAM BAI RAJAK & ORS.

Petitioner(s)

VERSUS

MUNICIPAL CORPN. OF KATNI & ORS

Respondent(s)

(With appln(s) for exemption from filing O.T. and vacating stay and c/delay in filing

SLP and c/delay in filing rejoinder affidavit and with prayer for interim relief and

office report)

(For final disposal)

WITH SLP(C) NO. 7099 of 2006

(With appln.(s) for c/delay in filing SLP and stay/direction and with prayer for interim relief and office report)

(For final disposal)

SLP(C) NO. 9896 of 2006

(With appln.(s) for vacating stay and exemption from filing O.T. and with prayer for interim relief and office report)

(For final disposal)

SLP(C) NO. 9897 of 2006

(With appln.(s) for vacating stay and with prayer for interim relief and office report)

(For final disposal)

Date: 20/03/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr. Annam D.N. Rao, Adv.

For Respondent(s)

Mr. Ashok Kumar Gupta, Adv.

For RR-7

Ms. Vibha Datta Makhija, Adv.

Mr. Senthil Jagadeesan, Adv.

Mr. M. J. Paul, Adv.

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UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

All these four matters have been taken up together as the same issue is involved

in all of them.

The petitioners were in possession of kiosks stalls in front of
the Katni

Railway Station as also P.W.D.Vishramgarh. When an attempt was made to relocate

them along with others, the petitioners filed a Writ Petition before the Madhya Pradesh

High Court. The same was ultimately referred to Lok Adalat for a settlement between

the parties. When the matter was taken up by the Lok Adalat on 02.03.2005, it was felt

that besides the Municipality, the presence of the promoters of the building to be

constructed by way of a commercial complex would be necessary. Accordingly, on

05.04.2005, Mr.Rajesh Kakwani, representing the promoters, M/s Khushiram &

Company, appeared before the Lok Adalat where the Commissioner of the Municipality

was also present and it was agreed that shops would be allotted on cost to cost basis on

"no profit no loss" to the petitioners in lieu of vacating the kiosks stalls under their

occupation.

Subsequently, certain rates were quoted in respect of the shops to be allotted

which were disputed and accordingly a Review Petition was filed which was dismissed

and against the same, the petitioners have come up before this Court by way of the

present Special Leave Petitions. Since the Review Petition had also been dismissed,

separate Special Leave Petitions were filed against such dismissal. Accordingly, these

four Special Leave Petitions have been filed against the original orders of the Lok

Adalat as well as the subsequent order passed in the Review Petition.

When these matters came up for hearing before us, the parties agreed to settle

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the matter in accordance with the agreement which had been arrived at and also in

keeping with the original condition regarding allotment on "no profit no loss" basis

which was ultimately fixed at the rate of Rs.1100/- per sq.foot as against the higher

amount indicated when the Lok Adalat passed its final order.

The aforesaid rate of Rs.1100/- per sq.foot has been settled by the Assistant

Engineer of the Corporation which figure has been disputed by the Promoter, but has

been accepted for the purpose of this settlement.

The promoters, in consultation with the Municipality, has earmarked
12

different shops in the complex which is being constructed, of which 7 are in the first

floor and 5 are in the ground floor. Two site plans of the ground floor as well as the

first floor indicating the shop rooms which are to be allotted to the petitioners have

been specified and marked with orange colour. The parties have taken inspection of the plans and have agreed to the proposal as made on behalf of respondent No.7 promoter.

The parties have also filed a memo of compromise duly signed by all of them,

including the Municipality and the promoter, setting out the aforesaid position.

It is agreed that the allotment of shops shall be made simultaneously with the petitioners vacating the kiosks stalls under their occupation outside the complex, within one and a half months from today.

Let the said Memo of Compromise form part of this Order and let the parties

act in terms thereof.

The possession of the 12 shop rooms shall be made over by the promoters in the presence of the representative of the Municipality to Mr.Ravi Rajak s/o Mr.G.P.Rajak

whose mother Rambai Rajak is the first petitioner herein. He shall take possession of

the said shop rooms as the agent of all the petitioners herein who shall thereafter take

steps to demarcate the same amongst themselves for the purpose of execution of

individual lease deeds which are to be executed and registered one week before

possession is actually handed over upon payment of all dues.

In addition to the above, it is also agreed that the dispute between the

promoters and the Municipality have no relevance as far as this compromise is

concerned and the same are left open for decision in other proceedings.

The parties have filed four separate copies of the Memo of Compromise along

with the plans of the ground floor and first floor of the complex in question.

If certified copies of this Order are applied for by the parties, the same may be granted along with the copies of the plans and memorandum as filed.

In view of this Order, no further orders are needful to be passed on the

application for vacating stay.

The Special Leave Petitions are disposed of accordingly.

(Satish K. Yadav)

Court Master

(Phoolan Wati Arora)

Court Master