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SLP(C)No. 10769 OF 2001  
ITEM No.37

Court No.11

SECTION IVB  
A/N MATTER

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.10769/2001

(From the judgement and order dated 18/05/2001 in CWP 1224/01  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SANTOSH KUMARI & ANR.

Petitioner (s)

VERSUS

HARYANA URBAN DEVELOPMENT AUTHORITY &ORS

Respondent (s)

(With prayer for interim relief)

( With Appln(s). for exemption from filing c/c of the impugned Judgment )

Date : 05/10/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s)

Mr. Dinesh Kumar Garg,Adv.

For Respondent (s)

Mr. J.P. Dhanda,Adv.

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

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Leave granted. The appeal is disposed of.

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(Ganga Thakur)  
P.S. to Registrar

(Radha Rani Bhatia)  
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7010 OF 2001@@  
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(Arising out of SLP(C) No.10769/2001)

VERSUS

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Leave granted.

The appellants were allotted a milk dairy booth by the respondent authority. The allotment was sought to be cancelled and taken possession of for non-payment of dues which were sought to be recovered by charging compound interest at the rate of 18% per annum. A writ petition filed by the appellants laying challenge to the impugned demand was admitted for hearing but no interim relief was granted to the appellants. The respondent authority was allowed liberty to auction the site in dispute. This appeal is directed against that part of the order by which interim relief has been refused to the appellants.

Pursuant to the order dated 2.7.2001 passed by this Court an amount of Rs.3,10,985/- has been deposited by the appellants with the respondent authority towards

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the impugned demand. The amount so deposited covers principal amount of demand with simple interest calculated at the rate of 10% per annum. It appears that the booth was sealed by the respondent authority and then subjected to auction. However, the prospective purchaser has withdrawn his bid and the amount of bid has been refunded to him during the pendency of this appeal before this Court.

After hearing the learned counsel for the parties this appeal is disposed of in terms of following directions which in our opinion would meet the ends of justice.

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- 1) The milk dairy booth shall continue to remain in possession and occupation of the appellants who may use the same in accordances with allotment letter dated 12.1.1987.
- 2) The appellants shall continue to pay to the respondents the periodical amount due and payable by them in terms of the allotment letter dated 12.1.1987.
- 3) The seal put by the respondent authority on the booth shall be removed, by the respondent authority within a period of two weeks from

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today, as nobody stands to gain by keeping the booth closed and sealed.

- 4) This order shall be construed as an interim relief allowed by the High Court so as to remain in operation during the pendency of writ petition

before the High Court subject to such further directions as the High Court may deem fit to make.

- 5) In the event of writ petition being dismissed by the High Court the appellants shall remain obliged to satisfy the demand raised by the respondent authority, to the extent upheld by the High Court, within a period of six weeks from the date of the decision of the High Court.

The appeal is disposed of. No order as to costs.

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We make it clear that this order shall not be construed as expression of any opinion on the merits of the matter at large before the High Court.

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

New Delhi,  
October 5, 2001.

.....J.  
(P. VENKATARAMA REDDI)