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SLP(C)No. 12702 OF 2001

ITEM No.30

Court No. 1

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.12702/2001

(From the judgement and order dated 02/02/2001 in CWP 1339/98  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

CHANDIGARH ADMINISTRATION & ANR.

Petitioner (s)

VERSUS

J.D. GUPTA & ORS.

Respondent (s)

(With prayer for interim relief and office report)

With

SLP(C)No.12794 of 2001

(With prayer for interim relief)

SLP(C)No.12935 of 2001

(With prayer for interim relief)

SLP(C)No.12987 of 2001

(With prayer for interim relief)

SLP(C)No.12995 of 2002

(With office report)

SLP(C)No.13449 of 2001

(With prayer for interim relief)

SLP(C)No.14289 of 2003

(With office report)

SLP(C)No.16503 of 2001

(With appln. for c/delay in filing SLP)

SLP(C)No.18353 of 2002

(With prayer for interim relief and office report)

SLP(C)No.18911 of 2002

(With appln. for c/delay in filing SLP, c/delay in refiling  
SLP and office report)

SLP(C)No.18978 of 2002

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SLP(C)No.22515 of 2002

(With appln. for c/delay in filing SLP and prayer for interim  
relief)

SLP(C)No.22517 of 2002

(With appln. for c/delay in filing SLP and prayer for interim  
relief)

SLP(C)No.23737 of 2002

(With appln. for c/delay in filing SLP)

SLP(C)No.23738 of 2002  
(With appln. for c/delay in filing SLP)

SLP(C)No.23941 of 2002

SLP(C)No.2948 of 2003  
(With appln. for c/delay in filing SLP, permission to submit  
additional documents and office report)

SLP(C)No.3601 of 2003  
(With office report)

SLP(C)No.5748 of 2003  
(With prayer for interim relief and office report)

SLP(C)No.9178 of 2003  
(With office report)

Date : 06/02/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE S.B. SINHA  
HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner (s)  
in SLP 12702, 12935, Ms. Kamini Jaiswal, Adv.  
12794, 12987, 13449, Ms. Inklea Barooah, Adv.  
16503, 12995, 18911 Ms. Shomila Bakshi, Adv.

in SLP 18353 Mr. Pradeep Misra, Adv.  
Ms. N. Verma, Adv.

in SLP 22515, 22517, Mr. Nidhesh Gupta, Adv.  
23737-38, 3601 & 9178 Mr. Naveen Singh, Adv.  
Ms. S. Janani, Adv.

in SLP 2948 & 14289 Mr. M.C. Dhingra, Adv.  
Mr. Vikas Jain, Adv.

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in SLP 18978 Mr. Neeraj Kumar Jain, Adv.  
Mr. Aditya Kumar Chaudhary, Adv.  
Mr. Bharat Singh, Adv.  
Mr. Sanjay Singh, Adv.  
Mr. Ugra Shankar Prasad, Adv.

in SLP 23941 Mr. S.C. Patel, Adv.  
Mr. S. Bhowmic, Adv.

in SLP 5748 Ms. Meera Mathur, Adv.

For Respondent (s)  
12702 & 12995 Ms. Neelam Kalsi, Adv.  
Mr. Vimal Chandra S. Dave, Adv.

in SLP 12935 & 12987 Mr. D.S. Walia, Adv.  
Ms. Naresh Bakshi, Adv.

in SLP 12794 Mr. Maninder Singh, Adv.  
Ms. Pratibha M. Singh, Adv.  
Mr. Kirtiman Singh, Adv.  
Mr. Angad Mirdha, Adv.

Mr. Ankur Talwar, Adv.

in SLP 13449Mr. P.N. Puri, Adv.

in SLP 16503Mr. B.S. Bedi, Adv.

Mr. Dinesh Verma, Adv.

Ms. Suresh Kumari, Adv.

Mr. A.P. Mohanty, Adv.

in SLP 18911Mr. K.V. Mohan, Adv.

Mr. Krishendu Datta, Adv.

Mr. Suraj Das Guru, Adv.

Mr. Nitin Jain, Adv.

in SLP 18353, 22515,Ms. Kamini Jaiswal, Adv.

22517, 23737-38, 2948,Ms. Inkleer Barooah, Adv.

3601, 18978; & 23941Ms. Shomila Bakshi, Adv.

UPON hearing counsel the Court made the following

O R D E R

S.L.P.(C) No. 12702 of 2001:

Leave granted.

The appeal is, accordingly, allowed. No costs.

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Rest of the matters:

There is a serious dispute as regard the services provided by the Union Territory of Chandigarh to the allottees of the various plots of land. It has, therefore, become necessary to appoint a Commissioner, who may inspect the area and find out whether the Administration has provided approach road, water line, storm water line, sewerage line, electricity, street light, parking area and other requisite facilities and if so, from which date, as also the outstanding dues, if not payable to the Chandigarh Administration by the allottees of land and submit a report to this Court.

We, therefore, appoint Mr. A.K. Srivastava, learned senior counsel as a Commissioner. His fees is fixed at Rs.10,000/- per day; half of which shall be borne by the Chandigarh Administration and half by the respondents. The parties shall also bear the other expenditure of the learned Commissioner in the same proportion. A copy of this order alongwith one set of paper book be handed over to Mr. A.K. Srivastava, learned senior counsel. Ms. Kamini Jaiswal, learned counsel appearing on behalf of the Chandigarh Administration states that the particulars of the plots allotted to the respondents and other relevant dues shall be supplied to Mr. A.K. Srivastava, learned senior counsel. A report may be submitted by the Commissioner within eight weeks.

List the matters after eight weeks.

[ Alka Dudeja ] [ Janki Bhatia ]  
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 870 OF 2004

(Arising out of S.L.P. [C] No. 12702 of 2001)

Chandigarh Administration and Anr.... Appellant (s)

Versus

J.D. Gupta and Ors.... Respondent(s)

O R D E R

Leave granted.

In view of the fact that the services have already been provided and the respondents have paid the entire dues, therefore, nothing remains to be done in this case. The judgment under challenge, is therefore, set aside and the writ petition filed by the respondents stands dismissed.

The appeal is, accordingly, allowed. No costs.

.....CJI.

.....J.  
(S.B. Sinha)

.....J.  
(S.H. Kapadia)

New Delhi,  
February 06, 2004.