

R/

SLP(C)No. 1111-1113 OF 2003
ITEM No.41

Court No.6

SECTION XIIA
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.1111-1113/2003
(From the judgement and order dated 21/10/2002 in CMP 15114/02
& 10005/2002 in AS 932/02,CMP 8596/02 in AS 781/02
of The HIGH COURT OF A.P AT HYDERABAD)

SECY.,GOVT.OF INDIA M/O.,COMM.&INDS.&ORS

Petitioner (s)

VERSUS

M/S. JAGAN MOHAN SALT INDUSTRIES & ANR.
With

Respondent (s)

SLP(C)No.13905-13907/2003
[With applns.for c/delay]
(With prayer for interim relief & office report)

Date : 18/08/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s) Mr.Ataf Ahmad,ASG
M/s YP) Mahajan,DS Mahra,B.V. Balaram Das,Advs.

For Respondent (s) Mr.Ranjit Kumar,Sr.Adv.
M/s Manoj Swarup,H.Dasan,S.Bulusu,Advs.

Mr. B. Partha Sarthy,Adv.

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

Delay condoned.

Leave granted.

The appeals are disposed of in terms of the signed order.

[Naresh Kumar] [VP Tyagi]
Court Master Court Master
[Signed order is placed on the file.]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.6470-6472 OF 2003
[Arising out of SLP(C) 1111-1113/2003]

Secy, Govt.of India, M/o Comm.& Industries
& Ors.

...
APPELLANT (S)

VERSUS

M/s Jagan Mohan Salt Industries & Anr.

...

RESPONDENT (S)

WITH
C.A.Nos.6473-6475 of 2003
[Arising out of SLP(C) Nos.13905-13907/2003]

O R D E R

Leave granted.

An extent of about 563 acres of land belonging to the Department of Salt, Government of India, was leased to respondent no.1 under lease deed dated 13th April, 1990 commencing from 27th February, 1990 for a period of 20 years. In this appeal, we need not go into the detailed fact leading to resumption of lease as we are only examining the correctness of the interim order. Suffice it to say that the resumption of the land resulted in respondent no.1 filing a suit in the court of Senior Civil Judge, Srikakulam. According to the Government, respondent no.1 was doing prawn culture in breach of the terms of lease in large portion of the land. The suit of respondent no.1 has since been decreed and resumption set aside. The judgment and decree of the trial court dated 19th March, 2002 directing reallocation of land in favour of plaintiff is now under challenge in first appeal that has been filed by the Government before the High Court. The appeal is pending. It may be noticed that during the pendency of the suit the land had been leased in favour of respondent no.2. The plaintiff was earlier paying in terms of the lease Rs.11.61 per tonne. The third party, i.e. Respondent no.2 herein who came into picture during pendency of this suit had entered into lease agreement and agreed to pay Rs.54.36 per tonne of the salt produced. The High Court by the impugned order, vacating the earlier order granting stay of the impugned judgment, has directed that respondent no.1 shall pay at the rate of Rs.30 per tonne of the salt produced during the pendency of the appeal and upon execution of lease deed to that effect by the plaintiff, defendants are directed to redeliver vacant possession of the land scheduled to the plaintiff. Under the decree the direction was to redeliver the land in favour of the plaintiff within sixty days. The impugned order has been passed subject to the result of the appeal and without prejudice to the rights and contentions of the parties by the High Court.

One of the grievances that has been strenuously urged on behalf of the appellants is the loss of amount to be suffered by the appellants in case the direction for payment of Rs.30 per tonne of the salt produced is not modified. The submission is that the second respondent is paying to the Government a sum of Rs.54.36 per tonne as aforesaid. Mr. Ranjit Kumar, learned counsel for the first respondent submits that without prejudice to the rights and contentions of his client in the appeal before the High Court, they will have no objection for payment of Rs.54.36. The approach is just and fair. We are not pronouncing about the rights, if any, of respondent no.2 pending the decision of the appeal. It may only be noted that the said respondent came into picture as a result of refusal of interim order in the suit. Be that as it may, the said respondent would be at liberty to pursue the legal remedy, if any, in case the judgment of the trial court is also upheld by the High Court. Presently position is that there is a decree in favour of respondent no.1 and the said respondent is also prepared to pay as aforesaid though without prejudice to his rights and contentions in appeal pending before High Court. Under the aforesaid circumstances, we would only modify the impugned judgment and direct that instead of Rs.30, the first respondent would pay to the appellants a sum of Rs.54.36 per tonne of salt produced and execute a lease deed to that effect and thereupon the land will be redelivered to the first respondent by 30th September, 2003. The arrangement would be without prejudice to the rights and contentions of the parties. The appeals are disposed of.

C.A. NOS.6473-6475 OF 2003.
[Arising out of SLP(C) 13905-13907/2003]

In view of the disposal of the abovesaid appeals, these appeals are also disposed of.

.....J.
(Y.K. SABHARWAL)

.....J.
(H.K. SEMA)

New Delhi,
August 18, 2003.