

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8416/2016

(@Petition(s) for Special Leave to Appeal (C) No(s).14546/2012)

MANOHAR LAL JAIN

Appellant(s)

VERSUS

HARYANA URBAN DEV. AUTHORITY & ORS.

Respondent(s)

O R D E R

Leave granted.

We have heard Mr. Nidhesh Gupta, learned Senior counsel appearing for the appellant and the learned counsel appearing for the respondents.

We find in this matter that throughout the symbolic possession of the plot has been with the appellant - Mr. Manohar Lal Jain. Furthermore, status-quo order was also passed by the High Court as well as by this Court at the time of moving of the Writ Petition and the Special Leave Petition respectively. In these circumstances and more particularly in view of the fact that the balance amount of Rs.1,08,367.50 was also tendered by the appellant to the Authority, in response to a communication dated 28-5-1990 issued by the Estate Officer, though belatedly, we are of the opinion that in the facts and circumstances of this case and to do complete justice in the matter, we ought to direct the appellant to pay the outstanding amount to the Haryana Urban Development Authority together with an interest at the rate of 12% per annum. We order accordingly. The respondent - Haryana Urban Development Authority and its Officers are directed to intimate the appellant, the outstanding amount which is yet to be paid by him, within a period of two weeks from the date of communication of this Order. As soon as the amount is made known to the appellant by the respondents, we direct him to pay the outstanding amount with interest within a period of one month therefrom. After the

outstanding amount together with interest is deposited by the appellant with the respondent - Authority, all consequential steps shall be taken by the respondent - Authority to transfer the plot in question to the appellant, in accordance with the provisions of law, without any delay.

We further make it clear that the order passed in this matter shall not be treated as a precedent in future.

We thus set aside the impugned order passed by the High Court of Punjab & Haryana dismissing the Civil Writ Petition filed by the appellant herein.

The appeal is allowed in the afore-stated terms.

.....J
(PINAKI CHANDRA GHOSE)

.....J
(AMITAVA ROY)

NEW DELHI;
30TH AUGUST, 2016.

ITEM NO.20

COURT NO.9

SECTION IVB

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.8416/2016

(@Petition(s) for Special Leave to Appeal (C) No(s).14546/2012)

(Arising out of impugned final judgment and order dated 17/02/2012 in CWP No. 15410/1992 passed by the High Court of Punjab & Haryana at Chandigarh)

MANOHAR LAL JAIN

Appellant(s)

VERSUS

HARYANA URBAN DEV. AUTHORITY & ORS.

Respondent(s)

(With appln.(s) for permission to file additional documents and interim relief and office report)

(For final disposal)

Date: 30/08/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s)

Mr. Nidhesh Gupta, Sr. Adv.
Ms. Jyoti Mendiratta, Adv.
Mr. Tarun Gupta, Adv.

For Respondent(s)

Mr. Amit Singh, AAG, Haryana
Mr. Samar Vijay Singh, Adv.
Mr. Sanjay Kr. Visen, Adv.
Ms. Anubha Agrawal, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications filed in the matter are also disposed of.

(VISHAL ANAND)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER

(Signed Order is placed on the file)

