

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).4576 OF 2009

NEHRU MARG CABIN OWNERS ASSCN. APPELLANT(S)

VERSUS

JAYANTILAL NATHALAL SHETH & ORS. RESPONDENT(S)

WITH

CIVIL APPEAL NO(S).4577 OF 2009

O R D E R

CIVIL APPEAL NO(S).4576 OF 2009

1. As agreed to by the parties, the appeal is disposed of in the following terms:-

(a) Respondent(s) are directed, in compliance of the government resolution dated 16.06.2016 and the order of the learned Collector dated 22.09.2016 to remove the existing structures on the said allocated land within a period of six months from today (lands forming part of C.S. No.4298, 4299 paiki, 4350 and 4351).

(b) Respondent No.4 (Modasa Municipality) is directed to give permission for construction within the period of six months and the appellants are permitted to construct shops on the said land as per approved layout as expeditiously as possible and in any case within a period of two years.

(c) The appellants shall be required to hand over

the possession of the existing location upon completion of the construction and once the completion certificate is issued.

2. The appeal and all pending applications are disposed of in the above terms.

CIVIL APPEAL NO(S).4577 OF 2009

1. This appeal by Modasa Nagarpalika is disposed of by interfering with the direction contained in paragraph 13 of the impugned judgment.

2. The appellant-Nagarpalika is also directed to ensure that permission, construction etc. as may be required by the stall-holders i.e. Members of the Nehru Marg Cabin Owners Association be accorded in accordance with law without creating any impediment or delay.

3. The appeal is disposed of in the above terms.

.....,CJI.
(RANJAN GOGOI)

.....,J.
(SANJAY KISHAN KAUL)

.....,J.
(K.M. JOSEPH)

NEW DELHI
OCTOBER 09, 2018

ITEM NO.101

COURT NO.1

SECTION III

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(s). 4576/2009

NEHRU MARG CABIN OWNERS ASSOCIATION

Appellant(s)

VERSUS

JAYANTILAL NATHALAL SHETH & ORS.

Respondent(s)

(FOR ON IA 48101/2009 and IA No.108572/2017-CLARIFICATION/DIRECTION
and IA No.108573/2017-EXEMPTION FROM FILING O.T.)

WITH

C.A. No. 4577/2009 (III)

Date : 09-10-2018 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s)

Mr. Puneet Jain, Adv.
Mr. Abhinav Gupta, Adv.
Mr. Harsh Jain, Adv.
Ms. Ankita Gupta, Adv.
Ms. Pratibha Jain, AOR

Mr. Haresh Raichura, AOR
Ms. Saroj Haresh Raichura, Adv.
Mr. Kalp Raichura, Adv.
Mr. Nishant Singla, Adv.
Mr. Haresh Raichura, AOR

For Respondent(s)

Ms. Jesal Wahi, Adv.
Ms. Hemantika Wahi, AOR
Ms. Puja Singh, Adv.
Ms. Mamta Singh, Adv.
Ms. Vishakha, Adv.

Mr. Haresh Raichura, AOR
Ms. Saroj Haresh Raichura, Adv.
Mr. Kalp Raichura, Adv.
Mr. Nishant Singla, Adv.

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

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

Consequently, all pending application(s)
shall stand disposed of.

(NEETU KHAJURIA)
COURT MASTER

(ASHA SONI)
ASSISTANT REGISTRAR

(Signed order is placed on the file.)