

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2658 OF 2013
(Arising from SLP(C) No.16424 of 2005)

B.L. Mehra and another ..Appellants

versus

State of Rajasthan and others ..Respondents

O R D E R

Leave granted.

This is an appeal for setting aside order dated 14.03.2005 passed by the Division Bench of the Rajasthan High Court, Jaipur Bench, whereby the writ petition filed by the appellants for quashing the permission/sanction granted by Jaipur Development Authority to the private respondents for construction of flats over plot Nos. A-166 and A-168 Ayodhya Path, Shyam Nagar, Jaipur and for demolition of the allegedly illegal construction made by the private respondents was dismissed along with a batch of other writ petitions.

We have heard learned counsel for the appellants and perused the record.

One of the grounds on which the appellants have questioned the impugned order is that, while deciding the batch of matters, the High Court took cognizance of the averments contained in the pleadings of D.B. Civil Writ Petition No.7353 of 2003 only and decided other matters including the writ petition filed by them without even advertent to the factual matrix of that case and by assuming that the issues raised therein are identical to Civil Writ Petition No.7353/2003.

Unfortunately, the special leave petition has remained pending before the Court for almost eight years. During that period, various developments have taken place including cancellation of the licence granted to the private respondents for construction of multi-storied building and setting aside of the same by the Jaipur Development Authority Tribunal (for short, 'the Tribunal').

In our opinion, it is not necessary to go into the legality or otherwise of the action taken by the Jaipur Development Authority for cancellation of the licence granted to the private respondents and the order passed by the Tribunal because we feel that it will be in the interest of justice to set aside the impugned order insofar as it relates to the writ petition filed by the appellants and to remand the case to the High Court for fresh disposal of the matter after independently examining the issues raised in the writ petition.

In the premise aforesaid, the appeal is allowed, the impugned order is set aside insofar it relates to D.B. Civil Writ Petition No. 3334 of 2003 and the matter is remitted to the High Court

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

Leave granted.

The appeal is allowed in terms of the signed order.

| (Parveen Kr.Chawla)
| Court Master
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| | (Phoolan Wati Arora)
| | Court Master
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[signed order is placed on the file]