

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 3048 OF 2007

UNION OF INDIA & ANR.

Appellant (s)

VERSUS

RATAN LAL AGARWAL(D) TR.LRS.  
(With prayer for interim relief )

Respondent(s)

Date: 21/07/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr.Mohan Parasaran, ASG  
Mr. Naresh Kaushik, Adv.  
Ms. Madhumitta Tatia, Adv.for  
Mr. D.S. Mahra,Adv.

For Respondent(s) Mr. Rajiv Dutta, Sr. Adv.  
Mr. M.P. Shorawala,Adv.  
Ms.Jyoti Saxena, Adv.  
Mr. Vipin K. Saxena, Adv.  
Mrs. Shashi Karian, Adv.

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

The Appeal is dismissed. No costs.

However, the appellants are granted six months' time from today to vacate the premises in question on furnishing usual undertaking before this Court within six weeks from today.

We make it clear that we are not expressing any opinion as to whether the respondents violated any terms of the grant and it is always open to the government to take action for resumption of the lease in accordance with law if the respondents violated any terms of the grant.

(Parveen Kr. Chawla) (Indu Satija )  
Court Master Court Master

[signed order is placed of the file]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3048 OF 2007

Union of India & Another

..Appellants

versus

Ratan Lal Agarwal (D) Tr. Lrs.

..Respondents

O R D E R

Heard learned counsel for the parties.

This Appeal has been filed against the impugned judgment and order of the High Court of Judicature at Allahabad dated 15th February, 2007 passed in Civil Revision No. 360 of 2006.

The facts in detail have been set out in the impugned judgment and hence we are not repeating the same here.

Admittedly, the lease granted in favour of the appellants expired in the year 1995 but they have not vacated the premises.

Mr. Mohan Parasaran, learned Additional Solicitor General relies on the decision of this Court in Chief Executive Officer vs. Surendra Kumar Vakil & Others (1999)

3 SCC 555. The facts of that case are totally different

from the facts of the present case. In that case, the

government issued notice for resumption of the grant in the cantonment area on the ground that the occupant had

violated certain terms of the grant. In the present case,

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there is no such pleadings of violation of the grant.

Hence, we are of the opinion that there is no merit in this

appeal and it is, accordingly, dismissed. No costs.

However, the appellants are granted six months' time from today to vacate the premises in question on furnishing usual undertaking before this Court within six weeks from today.

We make it clear that we are not expressing any opinion as to whether the respondents violated any terms of the grant and it is always open to the government to take action for resumption of the lease in accordance with law if the respondents violated any terms of the grant.

.....J.  
[MARKANDEY KATJU]

NEW DELHI;  
JULY 21, 2010

.....J.  
[T.S. THAKUR]