

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 13539 OF 2015
(Arising out of SLP (C) No.19639 of 2012)

BIHAR STATE HNG.BOARD & ORS.

APPELLANT (S)

VERSUS

DEB JYOTI SANYAL

RESPONDENT (S)

O R D E R

Delay condoned.

Leave granted.

This appeal arises out of an order dated 26.09.2011 passed by the High Court of Judicature at Patna whereby Letters Patent Appeal No.821 of 2011 filed by the appellant was dismissed and an order dated 03.02.2010 passed by a Single Bench of that Court allowing the C.W.J.C. No.5398 of 2005 filed by the respondent No.1 affirmed.

The facts giving rise to the filing of the writ petition and appeal have been set out at some length in the orders passed in the earlier rounds of litigations before the High Court. The same need not therefore be recapitulated over again. All that we need to mention is that the respondent's grievance in the writ petition filed by him related to the revision of the value of the land

allotted in favour of his predecessor-in-interest. That grievance was found to be justified by the Single Bench of the High Court who quashed the revised demand. Aggrieved by the said order, the appellant-Board preferred a Letters Patent Appeal No.821 of 2011 which failed and has been dismissed by the High Court as noticed earlier.

Learned counsel for the appellant today submits that notwithstanding the orders passed by the Single Judge as well as the Division Bench of the High Court the respondent has unconditionally deposited the revised price claimed by the appellant-Board towards the cost of the land sought to be transferred in favour of the respondent. It is submitted that so long as the respondent does not claim any refund and so long as the said amount is allowed to be appropriated by the appellant-Board, the Board will have no difficulty in going ahead with the execution of the sale deed in favour of the respondent.

Mr. Braj Kishore Mishra, learned counsel for the respondent submits that he has instructions to state that notwithstanding the judgment and orders passed by the High Court, the respondent withdraws his challenge to the revised demand made by the appellant-Board nor would he claim any refund from the Board. It is submitted that in light of the said instructions this appeal could be allowed, with a direction to the Board to execute the

requisite sale deed in favour of the respondent expeditiously.

In the circumstances therefore and keeping in view the submissions made at the bar the orders passed by the Single and the Division Bench of the High Court in the writ petition are set aside with a direction to the appellant-Board to execute the requisite sale deed in favour of the respondent in lieu of the revised amount deposited by the respondent towards the value of the land. This appeal is accordingly allowed and disposed off in the above terms. The execution of the sale deed shall, however, be subject to the respondent completing all formalities including production of certificates and no objections, if any, required by the Board.

No costs.

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

.....J
[V. GOPALA GOWDA]

October 16, 2015
New Delhi.

ITEM NO.202

COURT NO.2

SECTION XVI

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 (C) No(s). 19639/2012

(Arising out of impugned final judgment and order dated 26/09/2011 in LPA No. 821/2011 passed by the High Court Of Patna)

BIHAR STATE HNG.BOARD & ORS.

Petitioner(s)

VERSUS

DEB JYOTI SANYAL

Respondent(s)

(with appln. (s) for c/delay in filing SLP and exemption from filing O.T. and office report)

Date : 16/10/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s)

Mr. Braj Kishore Mishra, Adv.

Ms. Aparna Jha, Adv.

Mr. Abhishek Yadav, Adv.

Mr. Siddhartha Arya, Adv.

For Respondent(s)

Mr. Devashish Bharuka, Adv.

Ms. Rita Jha, Adv.

Ms. Arpita Bishnoi, Adv.

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

Delay condoned.

Leave granted.

The civil appeal is allowed and disposed off in terms of the signed order.

(ASHOK RAJ SINGH)

COURT MASTER

(Signed Order is placed in the file)

(RAJINDER KAUR)

COURT MASTER