

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

Petition(s) for Special Leave to Appeal (Civil) No(s).14710/2007

(From the judgement and order dated 24/05/2007 in WP No. 3131/2007
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

RAJEEV SHARMA Petitioner(s)

VERSUS

U.P. HOUSING & DEVELOPMENT BOARD & ORS. Respondent(s)

(With appln(s) for challenging order dated 3.8.2007 passed in
R.P.No.178 of 2007, exemption from filing O.T., directions,
permission to file additional documents and prayer for interim
relief and office report)
(For final disposal)

WITH SLP(C) NO. 15131 of 2007
(With prayer for interim relief and office report)
(For final disposal)

SLP(C) NO. 17161-17162 of 2007
(With appln.(s) for C/delay in filing SLP and permission to file
additional documents and exemption from filing O.T. and with prayer
for interim relief)
(For final disposal)

SLP(C) NO. 17164-17166 of 2007
(With appln.(s) for C/delay in filing SLP and permission to file
additional documents and exemption from filing O.T. and with prayer
for interim relief and office report)
(For final disposal)

Date: 09/03/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s)

Mr. Mukul Rohtagi, Sr.Adv.
Mr. R.P. Wadhvani,Adv.

Mr. J.L. Gupta, Sr.Adv.
Mr. Sanjeev Rathi, Adv.
Mr. Sanjay Jain, Adv.

Mr. S.D. Singh, Adv.
Mr. Vijay Kumar, Adv.

Ms.Aparna Jha, Adv.

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For Respondent(s)

Mr. Prashant Bhushan,Adv.
Mr. Sumeet Sharma, Adv.
Mr. Rohit Kumar Singh, adv.
Mr. Vivek K. Bishnoi, Adv.

Mr. Varinder Kumar Sharma ,Adv

Mr. Ravi Prakash Mehrotra ,Adv

Ms. Kamakshi S. Mehlwal, Adv.

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

Delay condoned.
Leave granted in all the matters.
The appeals are disposed of in terms of the
signed order.

(Sukhbir Paul Kaur)
Court Master

(Vijay Dhawan)
Court Master

(Signed Order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2256 OF 2010
(Arising out of S.L.P.(C) No.14710 of 2007)

RAJEEV SHARMA

Appellant(s)

Versus

U.P. HOUSING & DEVELOPMENT BOARD & ORS.

Respondent(s)

W I T H

CIVIL APPEAL NO. 2257 OF 2010
(Arising out of S.L.P.(C) No.15131 of 2007)

CIVIL APPEAL NOS.2258-2260 OF 2010
(Arising out of S.L.P.(C) Nos.17164-17166 of 2007)

CIVIL APPEAL NOS.2261-2262 OF 2010
(Arising out of S.L.P.(C) Nos.17161-17162 of 2007)

O R D E R

We have heard learned counsel for the parties.

Delay condoned.

Leave granted.

A common question arises in all these appeals.

For disposal of these appeals we are taking up

Civil Appeal Nos. 2261-2262 of 2010 arising out of
Special Leave Petition(C) Nos. 17161-62 of 2007.

These appeals by special leave are directed
against the judgment and order dated 24.5.2007 passed
by the High Court of Judicature at Allahabad (Lucknow

Bench) in Writ Petition No.3131 (M/B) of 2007 and the

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final order dated 3.8.2007 passed in Review Petition No.178 of 2007.

The respondents in these appeals filed Writ Petition under Article 226 of the Constitution of India with a prayer to issue Writ of Mandamus directing implementation of the orders passed by the Registrar dated 13th November, 2003 whereunder the membership as well as the allotment of the flats was restored after setting aside the proceedings of the Society expelling the respondents from membership of the Society. The

High Court vide the impugned orders disposed of the said Writ Petition without hearing the Society which passed the initial order expelling the members from the Society as well as the appellants (subsequent allottees of the flats). It is apparent from the record that the High Court heard the respondents/writ petitioners and the Respondent Nos. 1 and 2 alone and disposed of the Writ Petition directing the authorities to implement the orders of the Registrar dated 13th November, 2003. Further details in this regard are not required to be noticed since we propose to remit the matter for fresh consideration by the High Court.

We, however, fail to appreciate as to how the Writ Petition could have been disposed of by the High Court in such summary manner adversely affecting the ...3/-

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rights of the Society as well as the subsequent allottees of flats without even providing any opportunity of being heard. The High Court ought not to have disposed of the Writ Petition without hearing all

the affected parties. We wish to say no more as to the manner in which the High Court disposed of the Writ Petition.

In the circumstances, without expressing any opinion whatsoever on the merits of the case we set aside the impugned orders of the High Court dated 24.5.2007 made in the Writ Petition No.3131 (M/B) of 2007 and the Order dated 3.8.2007 passed in Review Petition No.178 of 2007 and accordingly remit the matter for fresh consideration by the High Court in accordance with law. We request the High Court to provide reasonable opportunity to all the parties and dispose of the Writ Petition on merits as expeditiously as possible preferably within four months from today.

The parties represented by the respective counsel shall appear before the High Court on 13th April, 2010 on which date the High Court may fix a schedule for hearing of the Writ Petition No. 3131 (M/B) of 2007 as well as the connected Writ Petition No. 2864 of 2004. The parties are at liberty to file their pleadings in the High Court.
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It is needless to observe that we have not expressed any opinion on the merits of the case since we have remitted the matter with a request to the High Court to dispose of the matters on merits.

These appeals are accordingly, disposed of.

In view of the order passed in Civil Appeal Nos. 2261-2262 of 2010 arising out of SLP(C) Nos.17161-62 of 2007, all the other appeals are also disposed of.

.....J.
(B.SUDERSHAN REDDY)

.....J.
(SURINDER SINGH NIJJAR)

New Delhi,
March 09, 2010