

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos. OF 2024
(Arising out of SLP(Civil) No.26188-26189/2013)

U.P AVAS EVAM VIKAS PARISHAD THROUGH
HOUSING COMMISSIONER & ORS.

Appellant(s)

VERSUS

M/S GARG PROPERTIES (PVT.) LIMITED & ORS.

Respondent(s)

O R D E R

1. Delay condoned.
2. Leave granted.
3. Heard learned counsel appearing for the parties.
4. Both these appeals arise out of the impugned judgments and orders dated 21.12.2010 and 05.04.2013, passed by the High Court of Judicature at Allahabad, Lucknow Bench, in W.P. No. 1037/ 1993 (M/B) dated 21.12.2010 and in the Review Petition (D) No. 46 of 2011 respectively, whereby the High Court had allowed the said Writ Petition filed by the respondent no.1-Company and dismissed the Review Petition filed by the present appellant(s).

5. It may be noted that the High Court, while allowing the Writ Petition of respondent no.1 (the Writ Petitioner), vide its impugned order dated 21.12.2010, had observed as hereunder;

....."After hearing the learned counsel for the parties at length, we are of the view that even if the area of the land is 810 Sq. Mtrs., the opposite parties are not in a position to deliver the entire area to the petitioner. The petitioner shall be liable for the payment of case of land only to the extent of actual possession, which is to be delivered to the petitioner. Accordingly, it is provided that the opposite parties shall inform the petitioner within one month from the date of production of a certified copy of this order with regard to the actual area of land which they propose to deliver to the petitioner. Thereafter the petitioner shall pay the entire dues towards the actual land delivered to the petitioner within next two months from the date of delivery of possession.".....

6. The said order having been challenged by the appellants, this Court, vide its order dated 08.08.2013, had stayed the operation of the said impugned order till further orders.

7. On 06.08.2024, this Court passed the following orders-

1. The learned Senior counsel - Mr. Vishwajit Singh appearing for the petitioners states and is not disputed by the learned counsel for the respondents that the Respondent - Company has already been dissolved by the Registrar, Companies Act, U.P. and the name of the Company is also struck off. However, the learned counsel for the respondents seeks time to take appropriate instructions.

2. List on 13-8-2024.

8. Today, none is present for the respondent no.1.

9. Since, the respondent no.1-Company has already been dissolved by the Registrar, Companies Act, Uttar Pradesh and its name has also been struck off, and since the impugned order passed by the High Court, has not been implemented till this date by virtue of the interim stay granted by this Court on 08.08.2013, the impugned order has become inoperative and deserves to be set aside.

10. In that view of the matter, the impugned order(s) is set aside and the appeals stand allowed.

11. The learned counsel appearing for respondent no.2-Ravi Builders states that the land in question has already been allotted to the respondent no.2 on 04.01.2002 and the said respondent has also made a payment of Rs.38,54,348/-

to the appellant-U.P AVAS EVAM VIKAS PARISHAD but, the allotment has not been made because of the pendency of these proceedings. Under the circumstances, the appellant(s) shall be at liberty to proceed further with the allotment and possession of the land in question, in accordance with law.

12. Pending application(s), if any, shall stand closed.

.....J.
(BELA M. TRIVEDI)

.....J.
(SATISH CHANDRA SHARMA)

New Delhi
05th December, 2024

