

C.A.No. 2501 OF 2002

ITEM No.6

Court No. 5

SECTION IX
A/N MATTER

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

I.A. No. 6-7 in Civil Appeal No.2501/2002

UNION OF INDIA & ANR.

Appellant (s)

VERSUS

RAJA MOHAMMED AMIR MOHAMMAD KHAN

Respondent (s)

(For appointment of receiver of property and permission to file rejoinder affidavit in I.A. No. 6 and Office Report)

Date : 31/03/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Appellant (s)Mr. Kirit N. Raval, SG
Mr. Sanjay R. Hegde, Adv.

Mr. Shreekant N. Terdal,Adv.

For Respondent (s)Mr. F.S. Nariman, Sr. Adv.
Mr. Gaurab Banerji, Adv.
Mr. R.N. Karanjawala, Adv.
Mrs. Nandini Gore, Adv.,
Mr. Vivek Sharma, Adv.

Mrs Manik Karanjawala,Adv.

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

Heard on the application for appointment of Receiver filed on behalf of the appellants. Urgent orders are called for as to the property consisting of such land situated at Village Mehmood abad, District Sitapur whereon mango and other fruit bearing trees are standing and the crop of fruits is almost ready for reaping. The prayer for appointment of Receiver is vehemently opposed on behalf of the respondents.

It is not disputed that up to the date of decision by the High Court the custodian of Enemy Property was holding an auction of the fruit crops, year by year, and the proceeds were being deposited in a separate account maintained in a bank. The learned Solicitor General shall within four weeks furnish and place on record of this Court the details of the bank account and the amount lying in deposit therein.

The dispute as to the actual possession or right to hold auction has arisen after the decision by the High Court which is impugned in this appeal.

After hearing the learned counsel for the parties, we appoint the Collector and District Magistrate, Sitapur as an agent of this Court to hold an open public auction of the crops after due publicity. At the auction a representative appointed by the Custodian of the Enemy Property, Bombay and a lawyer-representative to be appointed by the respondents shall be allowed to remain present and watch the auction proceedings so that auction is held fairly. The sale proceeds of the auction shall be deposited in a separate bank account, the name whereof shall make a

reference to 'Civil Appeal No. 2501/2002 in the Supreme Court of India'. The particulars of bank account and the amount deposited shall be brought to the notice of the Registry of this Court.

As to other properties, the appellants shall furnish such particulars within two weeks as would enable a just decision being taken in the matter of appointment of Receiver, if any. To come up for hearing after two weeks.

(Ajay Kr. Jain)

(Radha R. Bhatia)

Court Master

Court Master