
(2015) 02 SC CK 0133

In the Supreme Court Of India

Case No : SLP(C) No. 19301 of 2012, SLP(C) No. 20498 of 2012, SLP(C) No. 20499 of 2012, SLP(C) Nos. 24407-24408 of 2012, SLP(C) No. 24409 of 2012, SLP(C) No. 29701 of 2012, SLP(C) No. 29702 of 2012, SLP(C) No. 29703 of 2012, SLP(C) No. 29704 of 2012, SLP(C) No. 297

Greater Noida Industrial Development Authority	APPELLANT
Vs	
Pramod and Others	RESPONDENT

Date of Decision : 03-02-2015

Acts Referred:

Citation : (2015) 6 SCALE 698

Hon'ble Judges : H.L. Dattu, C.J.I;Arjan Kumar Sikri, J;Arun Mishra, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

1. Application for permission to file Special Leave Petition(s), if any, is granted. Delay, if any, in filing/refiling S.L.P. (s)/appeal(s) is condoned.
2. Delay, if any, in application(s) for substitution is/are condoned.
3. Application(s) for substitution(s), if any, is/are allowed.
- 3a. Application(s) for setting aside abatement, if any, is/are allowed.
4. Application(s) for impleadment(s)/intervention(s), if any, is/are rejected.

MATTERS FILED BY THE AUTHORITY:

5. We have heard Shri L. Nageswara Rao, learned senior Counsel for the New Okhla Industrial Development Authority/Okhla Industrial Development Authority (for short "the authority") and other learned senior Counsel and counsel for the respective parties to the lis.

6. Shri Nageswara Rao, learned senior Counsel appearing for the Authority, very fairly states that the Authority is primarily aggrieved by the two directions issued by the High Court while disposing of the batch of Writ Petitions. Firstly, a

direction to allot 10 per cent of the plots in favour of the agriculturists/land-loosers; and, secondly, a direction to the authority to take appropriate permission from the National Capital Regional Planning Board. To be precise, the directions issued by the High Court are as under:

5. The Greater NOIDA and its allottees are directed not to carry on development and not to implement the Master Plan 2021 till the observations and directions of the National Capital Regional Planning Board are incorporated in Master Plan 2021 to the satisfaction of the National Capital Regional Planning Board. We make it clear that this direction shall not be applicable in those cases where the development is being carried on in accordance with the earlier Master Plan of the Greater NOIDA duly approved by the National Capital Regional Planning Board.

6. We direct the Chief Secretary of the State to appoint officers not below the level of Principal Secretary (except the officers of Industrial Development Department who have dealt with the relevant files) to conduct a thorough inquiry regarding the acts of Greater Noida (a) in proceeding to implement Master Plan 2021 without approval of N.C.R.P. Board, (b) decisions taken to change the land use, (c) allotment made to the builders and (d) indiscriminate proposals for acquisition of land, and thereafter the State Government shall take appropriate action in the matter."

7. Shri Rao, on instructions, fairly states that after disposal of the Writ Petitions, the authority has complied with the directions so issued in paragraphs 5 and 6 of the impugned judgment(s) and order(s). In view of the above, in our opinion, we need not have to answer the questions raised by the learned senior Counsel in these proceedings. We leave it open for the authority to agitate the aforesaid issue(s) in an appropriate proceeding.

8. Insofar as allotment of 10 per cent of the plots is concerned, the High Court, in exercise of its discretionary power, has thought it fit, while sustaining the notification issued by the authority for protecting them for allotting 10 per cent of the developed plots; and, there again they have put a cap of 2,500 sq. mtrs. In fact, in the course of the order, the High Court has taken into consideration the agreement that was entered into by the authority with the villagers of Patwari and, in some cases, the authority itself has agreed to raise 6 to 8 per cent of the developed plots to the agriculturists. The High Court has also taken into consideration the observations made by this Court in the case of *Bondu Ramaswamy Vs. Bangalore Development Authority and Others*, (2010) 6 JT 57 : (2010) 5 SCALE 70 : (2010) 7 SCC 129 : (2010) AIRSCW 4825 : (2010) 5 Supreme 505 , where this Court has gone to the extent of directing the authorities to allot 15 per cent of the developed plots. In our view and in the peculiar facts and circumstances of these cases, since the relief that is given to the Respondents/agriculturists is purely discretionary relief by the Court in order to sustain the notification issued by the authorities, we do not find any good ground to interfere with the impugned judgment(s) and order(s) passed by the High Court, at the instance of the Petitioners/Appellants/authorities, namely,

NOIDA and Greater NOIDA.

9. This order shall not be treated as a precedent in any other case.

10. With these observations, the Special Leave Petitions as also the Civil Appeals are disposed of, leaving the question of law raised open to be agitated in an appropriate case.

11. We grant three months' time from the date of receipt of a copy of the order to the authorities to pay the compensation and six months' time from the date of receipt of a copy of the order to allot 10 per cent of the developed plots to the claimants.

SPECIAL LEAVE PETITION(C) No. 10317 OF 2012, SPECIAL LEAVE PETITION(C) No. 2639 OF 2012, SPECIAL LEAVE PETITION(C) No. 38287 OF 2012, SPECIAL LEAVE PETITION(C) Nos. 38188-38193 OF 2012, SPECIAL LEAVE PETITION(C) No. 2798 OF 2012, SPECIAL LEAVE PETITION(C) No. 3417 OF 2012, SPECIAL LEAVE PETITION(C) No. 4645 OF 2012, SPECIAL LEAVE PETITION(C) No. 4647 OF 2012, SPECIAL LEAVE PETITION(C) No. 4661 OF 2012, SPECIAL LEAVE PETITION(C) No. 5091 OF 2012, CONTEMPT PETITION No. 7 OF 2014 in S.L.P. No. 3242 OF 2012, SPECIAL LEAVE PETITION(C) No. 3242 OF 2012, SPECIAL LEAVE PETITION(C) No. 4687 OF 2012, SPECIAL LEAVE PETITION(C) No. 37493 OF 2012, SPECIAL LEAVE PETITION(C) Nos. 16339-16341 OF 2012, SPECIAL LEAVE PETITION(C) No. 4383 OF 2013, SPECIAL LEAVE PETITION(C) No. 14781 OF 2014, SPECIAL LEAVE PETITION(C) No. 36644 OF 2014, SPECIAL LEAVE PETITION(C) No. 36141 OF 2014, SPECIAL LEAVE PETITION(C) No. 31675 OF 2012, SPECIAL LEAVE PETITION(C) Nos. 6458-6460 OF 2012, SPECIAL LEAVE PETITION(C) No. 20326 OF 2013, SPECIAL LEAVE PETITION(C) CC No. 13297-13302 OF 2013, SPECIAL LEAVE PETITION(C) No. 5150 OF 2012, SPECIAL LEAVE PETITION(C) No. 5170 OF 2012, SPECIAL LEAVE PETITION(C) No. 23750 OF 2012, SPECIAL LEAVE PETITION(C) No. 23722 OF 2012, SPECIAL LEAVE PETITION(C) Nos. 7542-7543 OF 2012, SPECIAL LEAVE PETITION(C) No. 30590 OF 2012, SPECIAL LEAVE PETITION(C) No. 16674 OF 2012, SPECIAL LEAVE PETITION(C) No. 16695 OF 2012, SPECIAL LEAVE PETITION(C) No. 16723 OF 2012, SPECIAL LEAVE PETITION(C) Nos. 23446-23447 OF 2012, SPECIAL LEAVE PETITION(C) No. 32140 OF 2012, SPECIAL LEAVE PETITION(C) No. 22484 OF 2012, SPECIAL LEAVE PETITION(C) No. 2820 OF 2012, SPECIAL LEAVE PETITION(C) Nos. 7017-7018 OF 2014, SPECIAL LEAVE PETITION(C) No. 2055 OF 2015, SPECIAL LEAVE PETITION(C) No. 1554 OF 2012, SPECIAL LEAVE PETITION(C) No. 3776 OF 2012, SPECIAL LEAVE PETITION(C) No. 6508 OF 2012, SPECIAL LEAVE PETITION(C) No. 6849 OF 2012:

12. Learned Counsel appearing for the respective Petitioner(s), on instructions, seeks permission of this Court to withdraw their respective Special Leave Petition(s) with liberty to file appropriate review petition(s) before the High Court.

13. Permission sought for is granted.

14. The Special Leave Petition(s) is/are disposed of as withdrawn with liberty to file appropriate review petition(s) before the High Court within 30 days" time from the date of receipt of a copy of this Order.

15. If and when such review petition(s) is/are filed, we request the High Court to decide the same without reference to the period of limitation. In view of the withdrawal of S.L.P. (C) No. 3242 OF 2012, no orders need be passed in Contempt Petition (c) No. 7 of 2014. Accordingly, the Contempt Petition is disposed of.