

(2014) 12 SC CK 0090

In the Supreme Court Of India

Case No : C.A. No. 10814 of 2014 (Arising out of SLP (C) No. 105 of 2013)

Gursharan Singh

APPELLANT

Vs

The Advisor to Administrator, Union Territory Chandigarh

RESPONDENT

Date of Decision : 03-12-2014

Acts Referred:

Punjab (Development and Regulation) Act, 1952 — Section 8A

Citation : (2014) 13 SCALE 609

Hon'ble Judges : H.L. Dattu, C.J.; Madan B. Lokur, J; Arjan Kumar Sikri, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

1. Leave granted. This appeal is directed against the judgment and order passed by the High Court of Punjab and Haryana at Chandigarh, in Letters Patent Appeal No. 41 of 2012, dated 27.09.2012.

2. By the said impugned judgment and order, the Division Bench of the High Court had set aside the order, passed by the learned Single Judge, dated 19.05.2010.

3. Briefly stated, the facts in the present appeal are: a plot was allotted to the Appellant No. 1's grandfather by the Respondent-Union Territory of Chandigarh sometime in the year, 1954. By the allotment letter for the said plot, a condition had been prescribed that construction over the allotted plot shall be done by the allottee within a particular time frame. Since the allottee did not carry out the construction as prescribed, the Respondent(s) had initiated proceedings Under Section 8A of the Capital of Punjab (Development & Regulation) Act, 1952 (for short, "the Act").

4. On completion of the aforesaid proceedings, the Assistant Estate Officer, by an order dated 19.11.1979, cancelled the allotment made in favour of the Appellant No. 1's grandfather.

5. Aggrieved by the said order, an appeal was filed before the Chief Administrator, and the same was dismissed by an order dated 14.12.1982. Revision Petition No. 35 of 1983 was filed, challenging the aforesaid order, however the same also came to be dismissed, by order dated 19.05.1989. Thereafter, Writ Petition (Civil) No. 8509 of 1989 was filed by the allottee/their legal representatives, before a Single Judge of the High Court of Punjab and Haryana, inter alia, questioning the aforesaid orders. The Learned Single Judge, set aside the orders passed by the authorities and directed the Respondents not to disturb the possession of the allottee/their legal representatives, by order dated 19.05.2010.

6. Aggrieved by the said order of the learned Single Judge, the Respondent(s) approached the Division Bench of the High Court by way of Letters Patent Appeal No. 41 of 2012. The Division Bench of the High Court set aside the order passed by the Learned Single Judge, by order dated 27.09.2012, thereby restoring the orders passed by the Respondent-authorities. This civil appeal questions the said order passed by the Division Bench of the High Court.

7. This Court while entertaining the special leave petition had, inter alia, passed the order, dated 18.01.2013, which reads as follows:

"Shri Harish Salve, learned senior states that the Chandigarh administration has issued G.O. No. 45/5/22-UTF(5)-2009/9186, dated 1-12-2009 framing certain guidelines regarding grant of extension for construction and occupation certificate. According to him, the said G.O. will squarely apply to the facts of the present case also.

It is also brought to our notice by Shri Harish Salve, learned senior counsel that since the Petitioner could not get the heirship certificate within a reasonable time, he had approached the civil court and the Civil Court disposed of the Suit only in the year 2010.

Mr. Salve, learned senior counsel states that all these aspects of the matter were kept in view by the learned single Judge, while allowing the Writ Petition filed by the Petitioner wherein he had questioned the correctness or otherwise of the orders passed by the competent authority Under Section 8-A of the Capital of Punjab (Development & Regulation) Act, 1952.

Learned senior counsel, on instructions, would further submit that the Petitioner is prepared to give an undertaking before this Court that, if he succeeds in this petition, he will construct a residential house within a year's time from the date of sanction of plan etc. and he will not alienate the property for a period of 10 years after completion of the construction.

Taking note of the aforesaid submissions of the learned senior counsel, we issue notice to the Respondents.

...."

8. The order quoted above is made a part of the final order.
9. We have heard Shri V. Giri, learned senior counsel appearing for the Appellant(s) and Shri Manish Kumar, Learned Counsel for the Respondents.
10. This Court is of the opinion that, since the allotment that was made to the allottee/their legal representatives was way back in the year 1954, in the ends of justice, if we direct the allottee/their legal representatives to deposit an appropriate sum within a particular time frame and further direct the Respondents to execute the necessary documents in their favour, no prejudice would be caused to any one of the parties.
11. In the peculiar facts and circumstances of the case and in view the present market value of the property, we are of the considered opinion that, Rs. 4 crores would be a reasonable sum and the same shall be payable by the Appellant(s), within a period of three months" time from today, to the Respondent(s). After making such deposit, if the Appellant(s) file an appropriate application along with the prescribed documents, the Respondent(s) shall execute the necessary documents/instruments to pass on the title to the allottee/their legal representatives.
12. If, for any reason, the Appellant(s) fail to deposit the aforesaid amount, the Respondent(s) are at liberty to take possession of the property forthwith.
13. This civil appeal is disposed of accordingly. It is clarified that the order passed by us in the present appeal shall not be treated as a precedent in any other case.

Ordered accordingly.