

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.6427 OF 2008
(Arising out of S.L.P. (C) No.18294 OF 2006)

Santosh Kumari Singh

...Appellant(s)

Versus

Shakuntala Devi and Ors.

...Respondent(s)

O R D E R

Heard learned counsel for both the sides.

Leave granted.

In view of the fact that the writ petition is still pending before the High Court of Allahabad, we are not inclined to discuss all the details of the parties as placed before this Court. However, it is the case of the second respondent-Kanpur Development Authority (for short, 'the Authority') that the first respondent herein-writ petitioner before the High Court, has not paid all the instalments within the time prescribed and, according to the counsel for the Authority, possession was not handed over to her. On the other hand, it is the stand of the Authority that the appellant herein-Respondent No.3 before the High Court has paid the entire amount and possession was handed over to her by executing lease deed on 11th August, 2005. Though

...2/-

learned counsel for Respondent No.1 submitted that she has paid substantial amount, in view of the assertion made by Respondent No.2-Authority, we are of the view that it is for the High Court to consider, while hearing the writ petition. Taking note of the fact that the appellant herein-Respondent No.3 before the High Court paid the entire amount and proper lease deed was also executed, we are satisfied that the positive direction issued by the High Court directing Respondent Nos.1 and 2 therein that possession be delivered to the writ petitioner, cannot be sustained. The said direction is hereby set aside.

In view of the stand taken by the Authority, as mentioned above and as noted in their counter affidavit, first respondent herein, i.e., Shakuntala Devi, is directed to hand over possession to the appellant, namely, Santosh Kumari Singh-Respondent No.3 in the writ petition, within a period of eight weeks.

We request the High Court to dispose of the main writ petition uninfluenced by any of the observations made by us within a period of one year from the date of receipt of copy of this order.

The civil appeal is, accordingly, disposed of.

[P. SATHASIVAM]J.

[G.S. SINGHVI]J.

New Delhi,
November 03, 2008.