

ITEM NO.48

COURT NO.7

SECTION IV-B

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

Petition(s) for Special Leave to Appeal (C) No(s). 15495/2022

(Arising out of impugned final judgment and order dated 02-06-2022 in CWP No. 7733/2009 passed by the High Court Of Punjab & Haryana At Chandigarh)

RANJIT KAUR & ANR.

Petitioner(s)

VERSUS

CHANDIGARH ADMINISTRATION & ORS.

Respondent(s)

IA No. 128333/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 128338/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 128336/2022 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 03-10-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA

HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. P.S. Patwalia, Sr. Adv.
Mr. Kunal Cheema, AOR
Mr. Rajbir Singh Guron, Adv.
Ms. Harshika Verma, Adv.
Mr. Jagvijay B Gandhi, Adv.
Mr. Raghav Deshpande, Adv.
Mr. Dipanshu Krishan, Adv.

For Respondent(s) Mr. K.M.nataraj, A.S.G.
Mr. Kanu Agrawal, Adv.
Mr. Varun Chugh, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Tadimalla Bhaskar Gowtham, Adv.
Mr. Shreekant Neelappa Terdal, AOR
Dr. Arun Kumar Yadav, Adv.

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

Heard the learned senior counsel for the petitioners as also the learned counsel for the respondents and perused the petition papers.

The undisputed fact is that the plot in question had been allotted to the petitioners herein through the auction dated 11.07.1985 and the lease was for a period of 99 years wherein a condition with regard to the construction to be made on the plot in question within a period of three years from that day was included. The grievance has arisen in view of the lease being cancelled through the order dated 28.03.2007.

The petitioners were before the High Court. The High Court, at the first instance, having taken note of the request, had directed the petitioners to deposit the amount towards extension fees directed in the order dated 21.05.2009.

Be that as it may, we also take note of the fact that the petitioners herein, are an old couple and have indicated the reasons for the delay in construction. Though, a contention is put forth with regard to the right available to the petitioners and all allottees being granted the extension of time, we see no reason to advert to the same notwithstanding the fact that the respondents would also contend that the said notifications are not applicable.

However, in the facts and circumstances of the instant case, we find that an opportunity is to be granted to the petitioners herein to construct and enjoy the property at their advanced age without making it a precedent for the other cases. Therefore, in the peculiar facts and circumstances we set aside the order dated 28.03.2007 whereby the lease was cancelled, and the order of affirmation dated 02nd December, 2008 and the order dated 18th March, 2009 passed by the Appellate and Revisional Authority. The order dated 02.06.2022 passed by the High Court is also set aside subject

to the condition that the petitioners shall construct on the plot in question allotted to them within a period of two years from this day. Needless to mention, if the construction is not put up within the said time frame of two years, the respondents would be at liberty to initiate action against the petitioners for cancellation.

In terms of the above, the petition stands disposed of along with the pending application(s), if any.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(DIPTI KHURANA)
ASSISTANT REGISTRAR