

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2079 OF 2020

(Arising out of S.L.P.(C) No.19109 of 2019)

Kanpur Development Authority

Appellant(s)

Versus

Kaushal Kishore and Another

Respondent(s)

O R D E R

Leave granted.

A scheme was floated by the Kanpur Development Authority for allotment of plots in the year 1997. The respondent No.1 applied for and was allotted one plot *vide* allotment letter dated 29 July 1999 for a consideration of Rs.64,600/-. This amount was to be paid in installments. The respondent No.1 defaulted in payment of the installments. Repeated notices were issued to the respondent No.1, but he did not make payment. Finally, on 8 February 2013, the appellant-authority cancelled the allotment of plot made in favour of the respondent No.1. The respondent No.1 did not challenge the order of cancellation and kept silent for six years.

In May 2019, the appellant-authority floated another scheme and it is at this stage that the respondent No.1 filed a writ petition praying that the plot allotted to the respondent No.1 in the earlier allotment in 1999 should not be sold to anybody. The respondent No.1 admitted that he had defaulted in making the payment of installments in the earlier scheme and this fact is noted by the High Court. Since the appellant-authority had made a statement that the said plot had not been sold, the High Court went on to direct that the plot be allotted to the respondent No.1 for a sum of Rs.5,41,707/- and further directed that this amount be paid by the respondent No.1 in two installments. In fact, these plots were not to be sold on a fixed price. They were to be sold by e-auction. At best, the High Court could have ordered that the respondent No.1 would be at liberty to take part in the e-auction for the plots to be conducted by the authority. These plots must be sold at the highest price available. We do not understand on what basis the High Court came to the figure of Rs.5,41,707. In any event, no allotment could have been made in favour of the respondent No.1 by the High Court in the writ proceedings.

We, therefore, set aside the judgment of the High Court. Consequently, the appeal is allowed and the writ petition filed by the respondent No.1 before the High Court

shall stand dismissed. The appellant-authority is at liberty to carry on with e-auction for allotment of plots.

.....J.
[Deepak Gupta]

.....J.
[Aniruddha Bose]

New Delhi
March 06, 2020

ITEM NO.27

COURT NO.15

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.19109/2019

(Arising out of impugned final judgment and order dated 20-06-2019 in WC No. 20313/2019 passed by the High Court of Judicature at Allahabad)

KANPUR DEVELOPMENT AUTHORITY

Petitioner(s)

VERSUS

KAUSHAL KISHORE & ANR.

Respondent(s)

(With appln.(s) for interim relief, exemption from filing O.T. and permission to file additional documents/facts/Annexures)

Date : 06-03-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s)

Mr. Abhishek Chaudhary, AOR

For Respondent(s)

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, stand disposed of.

(Chetan Kumar)
A.R.-cum-P.S.

(Parveen Kumari Pasricha)
Court Master

(Signed order is placed on the file)