

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3058 OF 2017
(@ S.L.P. (Civil) No.31243 OF 2013)

PRAMOD MAROTRAO WALMANDHARE & ANR. Appellant(s)

VERSUS

NAGPUR IMPROVEMENT TRUST & ORS. Respondent(s)

O R D E R

Leave granted

The appellant purchased a piece of land admeasuring 1.56 acres of land by sale deed dated 26th September, 2007. After the purchase he filed an application for demarcation before the City Survey Office at Nagpur. The Nagpur Improvement Trust (NIT) contested the prayer made in the application and the said authority thought it appropriate not to demarcate the land in favour of the appellant.

Being aggrieved by the aforesaid order the appellant preferred an appeal before the Superintendent of Land Records who gave the stamp of approval to the order passed by the City Civil Officer. Against the said order, the appellant filed revenue appeal before the Deputy Director who allowed the appeal and remanded the matter to the Superintendent of Land Records. After the remand, the Superintendent of Land Records decided the case in favour of the appellant without affording adequate opportunity to

the NIT. Being dissatisfied with the order aforesaid, the NIT preferred an appeal before the Deputy Director who declined to interfere. The High Court on being approached in Writ Petition No.5762 of 2011 appreciated the proceedings before the Superintendent of Land Records and quashed the order passed by the said authority.

It is submitted by Mr.P.Chidambaram, learned senior counsel for the appellant that when the High Court quashed the order passed by the Superintendent of Land Records on the ground that it had not followed the principle of natural justice inasmuch as it had not afforded adequate opportunity to NIT, it was obligatory on the part of the High Court to remand the matter to the said authority and that having not done so, the order passed by the High Court is unsustainable.

Mr.Guru Krishna Kumar, learned senior counsel appearing for the respondent supported the order passed by the High Court.

On a perusal of the order passed by the High Court, especially paragraph 12, we find that High Court has set aside the order on the ground that there has been violation of principle of natural justice. It has not adverted to any other aspect on merits. In such a situation remand was warranted. Regard being had to the view that has been taken by the courts below, we set aside the judgment passed by the High Court and that of the

Deputy Director and remand the matter to the Superintendent of Land Records to deal with the appeal preferred by the appellant in accordance with law. To avoid any kind of confusion it is directed that the appellant and the competent authority of NIT and or their counsel shall appear before the said authority at 11.00 a.m. on 8th April, 2017 and thereafter the said authority shall proceed with the appeal in accordance with law.

It is directed that status quo existing as on today shall remain in force until the appeal is disposed of. The appeal shall be disposed of within three months from the date of appearance that we have fixed hereinabove. Needless to say, we have not addressed any of the aspects that have been raised by the learned counsel for the parties in the pleadings and hence the issues arising from the said pleadings are kept open.

With the aforesaid direction, the appeal stands disposed of. There shall be no order as to costs.

.....J.
[DIPAK MISRA]

.....J.
[A.M. KHANWILKAR]

.....J.
[MOHAN M. SHANTANAGOUDAR]

NEW DELHI,
FEBRUARY 20, 2017.

ITEM NO.36

COURT NO.2

SECTION IX

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(s). 31243/2013
 (Arising out of impugned final judgment and order dated 06/11/2012
 in WP No.5762/2011 passed by the High Court of Bombay ajt Nagpur)

PRAMOD MAROTRAO WALMANDHARE & ANR.

Petitioner(s)

VERSUS

NAGPUR IMPROVEMENT TRUST & ORS.
 (with interim relief and office report)

Respondent(s)

Date : 20/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
 HON'BLE MR. JUSTICE A.M. KHANWILKAR
 HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s)

Mr. P. Chidambram, Sr. Adv.
 Mr. Mahesh Dhattrak, Adv.
 Mr. Mohit P. Khajanchi, Adv.
 Mr. Shashank Shah, Adv.
 Mr. Santhosh Krishnan, Adv.
 Mr. Gaurav Agrawal, Adv.
 Mr. Abhikalp Pratap Singh, Adv.

For Respondent(s)

Mr. Suhas Kadam, Adv.
 M/s Lemax Lawyers & Co.
 Mr. Guru Krishna Kumar, Sr. Adv.
 Mr. Satyajit A Desai, Adv.
 Ms. Anagha S. Desai, Adv.
 Mr. Neelmani Pant, Adv.
 Ms. Anagha S. Desai, Adv.
 Mr. Balendu Shekhar, Adv.
 Mr. Nishant R. Katneshwarkar, Adv.

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

Leave granted.

The civil appeal is disposed of in terms of the signed order.

(Ashok Raj Singh)
 Court Master

(H.S. Parasher)
 Court Master

(Signed Order is placed in the file)