

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4080 OF 2020
[@ SPECIAL LEAVE PETITION (C) NO. 7802 OF 2018]

JAIPUR DEVELOPMENT AUTHORITY Appellant (s)

VERSUS

HANUMAN SAHAI & ORS. Respondent(s)

WITH

CIVIL APPEAL NO. 4081 OF 2020
[@ SPECIAL LEAVE PETITION (C) NO. 15439 OF 2020]
[DIARY NO. 29336 OF 2017]

WITH

CIVIL APPEAL NO. 4082 OF 2020
[@ SPECIAL LEAVE PETITION (C) NO. 13793 OF 2018]

O R D E R

Leave granted.

We have heard Dr. Manish Singhvi, learned senior counsel appearing for the appellant - Jaipur Development Authority and Ms. Shobha Gupta, learned counsel appearing on behalf of the respondents.

This case has a chequered history. Under a Section 4 Notification, lands in village Boytawala was taken over in land acquisition in favour of Jaipur Development Authority - the appellant before us. Awards were made under the aforesaid Section 4 Notification and the first group of cases came all the way upto this Court. Vide Judgment dated 01.12.2015 in these cases, the appellants before the court succeeded in the following terms :-

"153. In the overall view of the matter, we are of the confirmed opinion, that in the singular facts and circumstances of the case and for the sake of complete justice, the appellants are entitled to be allotted their quota of 15% developed land in the terms of policy/circular dated 13.12.2001 in one or more available plots at Vidyadhar Nagar, Gokul Nagar, Truck Terminal and Vaishali Nagar as enumerated by them in their affidavit dated 17.8.2015. The respondents are hereby directed to accommodate them accordingly.

154. In the wake up of above, the appeals are allowed. The impugned Judgment and order is set aside. The respondents would allot the developed land as per policy decision dated 13.12.2001 to the appellants at the places indicated hereinabove without fail and within a period of six weeks herefrom. To secure a permanent resolution to the lingering list, the respondents would ensure that a transparent and fair process is undertaken, if necessary, to be overseen by an appropriate authority to obviate any disparity in treatment in the matter of allotment as ordered."

Vide the impugned Judgment dated 24.03.2017, the High Court has allowed a number of writ petitions that were filed, in which the respondents alleged

that they stood in exactly the same position as the appellants before this Court in the Judgment delivered on 01.12.2015. This being so, the High Court merely referred to the aforesaid Judgment and directed the Jaipur Development Authority to make allotments in the light of the said Judgment to the present respondents.

The Jaipur Development Authority is in appeal before us. It is argued by Dr. Manish Singhvi, learned senior counsel, that no lands are now available in Vidyadhar Nagar or Vaishali Nagar and if lands are to be given in Gokul Nagar, there will be huge unjust enrichment in favour of the respondents, as these properties today are worth platinum and not even gold prices. He, therefore, exhorts us to allot plots in Lalchandpura, which, according to him, will be developed completely very shortly. He also argued that so far as Respondent Nos. 1 to 3 are concerned, they, in any case, have accepted plots in Lalchandpura and therefore, are estopped from asking for plots anywhere else.

Ms. Shobha Gupta, learned counsel appearing for the respondents, refutes all these arguments by stating that her clients stand on exactly the same footing as the appellants in our Judgment dated 01.12.2015 and, therefore, cannot be differentiated. According to her, there is no reason to interfere

with the impugned Judgment.

In any case, even if lands are not available at Vaishali Nagar, lands are certainly available in Gokul Nagar. She also strongly disputes the fact that the lands are not available in Vidyadhar Nagar and first asks us to make Jaipur Development Authority allot lands to the respondents in Vidyadhar Nagar.

Having heard the learned counsel on both sides, the arguments today are in a very narrow compass. There can be no doubt whatsoever that the respondents before us are in exactly the same position as the appellants in the Judgment dated 01.12.2015, the acquisitions in both sets of cases arising out of the same Section 4 Notification, and awards made thereon. This Court, when it finally gave reliefs to the appellants in that case, did say that this would apply to the singular facts and circumstances of that case and for doing complete justice, the order was made. There is no doubt that Dr. Singhvi is correct in stating that this was an order that was made in the facts of that case and under Article 142 of the Constitution of India. However, there is no getting away from the fact that the respondents in the present set of cases are otherwise similarly situated to those who have got reliefs, and they are only seven in number before us. To do complete justice,

therefore, in this set of cases as well, we must first indicate that so far as Respondent Nos. 1 to 3 are concerned, they have undoubtedly accepted lands in Lalchandpura, though for much less than their 15% entitlement. That being the case, so far as these respondents are concerned, the appellant is to allot further lands in Lalchandpura, so that Respondent Nos. 1 and 3 finally get 15% of developed land in Lalchandpura in terms of our Judgment dated 01.12.2015. So far as the other respondents are concerned i.e. Respondent Nos. 4 to 7, we are of the view that they should be allotted lands in Gokul Nagar, as plots are available there. We reject Dr. Singhvi's arguments that a huge unjust enrichment will enure to their benefit. If that was the case, unjust enrichment would have enured to the benefit of the appellants as well as in our Judgment dated 01.12.2015.

This being the case, we dispose of the appeals in the aforesaid terms.

.....J.
[ROHINTON FALI NARIMAN]

.....J.
[NAVIN SINHA]

New Delhi;
DECEMBER 17, 2020.

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

Leave granted.

The appeals are disposed of in terms of the signed order.

**Pending interlocutory application(s), if any, is/are disposed
of.**

**(JAYANT KUMAR ARORA)
COURT MASTER**

**(NISHA TRIPATHI)
BRANCH OFFICER**

(Signed order is placed on the file)