

IN THE SUPREME COURT OF INDIA  
EXTRAORDINARY APPELLATE JURISDICTION

Petition for Special Leave to Appeal(C) No.24518/2019

SUNDARI DEVI & ORS.

Petitioner(s)

VERSUS

PUNJAB STATE POWER CORPORATION LTD & ANR.

Respondent(s)

O R D E R

1. This petition arises from the judgment and order passed by the High Court of Himachal Pradesh at Shimla (Original Civil Jurisdiction) in Civil Suit No.55/2005 dated 08-08-2018, by which the suit filed by the Respondent No.1 - herein (Punjab State Power Corporation Limited) (original plaintiff) came to be allowed.

2. In such circumstances, referred to above, the petitioners - herein (original defendants) are here before this Court with the present petition.

3. It appears from the materials on record that the Punjab State Power Corporation Limited instituted a civil suit in the High Court praying for the following reliefs:-

"a. That the plaintiff be declared the absolute owner of Khasra No. 566,567 and 568 measuring 2-2-3 Bighas situated in

b) That a decree for possession of the premises in dispute situate over khasra No 566,567 and 568 measuring 2-2-3 bighas situated mauza shaman/393, Tehsil Joginder Nagar, District Mandi H.P. and as described in the map attached with the plaint be passed in favour of the plaintiff.

c) That a decree for permanent injunction be passed restraining the defendants from changing the nature of the property in dispute.

d) That mutation no. 273 dated 29.3.2001 whereby the defendant No.2 has been shown as the owner of the property in dispute may kindly be declared null and void and not binding on the plaintiff.

e) That the defendant no.1 be directed to pay a sum of rs.2000 /- per month on account of use and occupation charges w.e.f, from 25.5.2002 onwards.

f) That the suit decreed with costs."

4. The High Court allowed the suit and granted the relief as prayed for in the plaint.

5. The operative part of the order passed by the High Court reads thus:-

"54. The cumulative effect of the above discussion on the issues under consideration is that the suit of the plaintiff-Board succeeds and is accordingly decreed in the following terms:

(a) The plaintiff-Board is held absolute owner of Khasras No. 566, 567 and 568, kittas 3, measuring 2-2-3 bighas, situate in Mauza Shanan/393, Tehsil Jogindemagar, District Mandi, H.P.;

(b) Decree for possession for the premises in dispute is passed in favour of the plaintiff-Board and against the defendants;

(c) Decree for prohibitory injunction is passed against the defendants and they are restrained from changing the nature of the suit property; &

(d) Decree of mandatory injunction is passed declaring that mutation No.273, dated 29.03.2001, is null and void.

A decree sheet be drawn accordingly.

55. Before parting with the judgment, it is observed that as per the plaintiff-Board, original defendant No. 1 and defendants No.1(a) to 1(e), predecessors-in-interest of defendant No. 1 was given a portion of the suit land on lease basis and thus they remained in permissive possession till the year 1985 and thereafter the lease was not renewed. Therefore, after considering the overall facts and circumstances of the case, it is ordered that the plaintiff-Board will consider the case of defendants No. 1 (a) to 1 (e), in case an application is moved by them, for leasing out suitable land to them on reasonable terms on its own merits.

56. In view of the above, the suit is disposed of as also pending application(s), if any."

6. We have heard Mr. Pukhrambam Ramesh Kumar, the learned counsel appearing for the petitioners (original defendants).

7. The learned counsel would submit that his clients are in possession of the suit property past more than 60 years.

8. According to the learned counsel, the petitioners have perfected their title over the suit property.

9. The learned counsel tried to rely upon an order passed by the competent authority under the Himachal Pradesh Public Premises and Land (Eviction and Recovery Act), wherein the Authority found the petitioners - herein to be lessees holding the land under a lease deed.

10. The learned counsel, however, with his usual fairness conceded that there is no other document on record to substantiate the exclusive ownership or title over the suit property.

11. On the other hand, Ms. Kaveeta Wadia, the learned Senior counsel appearing for the Corporation submitted that no error not to speak of any error of law could be said to have been committed by the High Court in allowing the suit and granting the reliefs as prayed for. She submitted that the suit property is a part of the Hydel Power Project of the State. According to her, it is a prohibited area. She submitted that the reliance on the order passed by the Collector is completely misconceived.

12. She further submitted that the petitioners have put up unauthorized construction in the form of residential house on the suit property. According to her, the petitioners have no right, title or interest over the suit property.

13. Having heard the learned counsel appearing for the petitioners and the learned Senior counsel appearing for the respondents and having gone through the materials on record, we find no error in the impugned judgment warranting our interference.

14. We take notice of Para 55 of the impugned Judgment wherein the High Court has observed that the plaintiffs - corporation should consider leasing out any suitable land in favour of the petitioners -herein on certain reasonable terms and conditions.

15. Having regard to the fact that the petitioners are in occupation of the land past couple of years, may be unauthorized, and without any right, title or interest, their eviction will put them in immense hardship & difficulty and, therefore, even while dismissing this petition, we request the Corporation to pay heed to what the High Court has said as regards the grant of any other alternative land to the petitioners.

16. We are sure that the Corporation, being a Statutory Authority, will work out something in this regard and provide some alternative accommodation to the petitioners at the earliest. We request Ms. Kaveeta Wadia the learned Senior counsel to put a word to her clients that the petitioners herein may not be evicted till they are provided with some suitable alternative accommodation.

17. With the aforesaid, the Special Leave Petition is disposed of

18. Pending applications, if any, also stand disposed of.

.....J  
(J.B. PARDIWALA)

.....J  
(R. MAHADEVAN)

NEW DELHI  
18TH DECEMBER, 2024.

ITEM NO.26

COURT NO.14

SECTION XIV

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 for Special Leave to Appeal (C) No.24518/2019

[Arising out of impugned final judgment and order dated 08-08-2018 in CS No. 55/2005 passed by the High Court of Himachal Pradesh at Shimla]

SUNDARI DEVI &amp; ORS.

Petitioner(s)

VERSUS

PUNJAB STATE POWER CORPORATION LTD &amp; ANR.

Respondent(s)

Date : 18-12-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s)

Mr. Pukhrambam Ramesh Kumar, AOR  
Mr. Ahanthem Rohen Singh, Adv.  
Mr. Mohan Singh, Adv.  
Mr. Aniket Rajput, Adv.  
Ms. Khoisnam Nirmala Devi, Adv.  
Mr. Karun Sharma, Adv.  
Ms. Rajkumari Divyasana, Adv.

For Respondent(s)

Ms. Kaveeta Wadia, Sr. Adv.  
Ms. Chhavi Jain, Adv.  
Mr. Shashank Tripathi, AOR

Mr. Karan Kapur, Adv.  
Mr. Abhishek Gautam, AOR  
Mr. Shubham Soni, Adv.  
Mr. Keshari Kumar Tiwari, Adv.

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

1. The Special Leave Petition is disposed of, in terms of the signed order.
2. Pending applications, if any, also stand disposed of.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)  
COURT MASTER (NSH)

(Signed Order is placed on the file)