

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.4748-49 OF 2017
(Arising out of S.L.P. (Civil) Nos. 1301-1302 of 2014)

U.P AVAS EVAM VIKAS PARISHAD
& ANR & ETC.

APPELLANT (S)

VERSUS

M/S K.C HOMES & SERVICES PVT
LTD &ORS ETC.

RESPONDENT (S)

O R D E R

Leave granted.

Land was allotted by the appellant department to the respondents herein for development of recreation club. However, for certain reasons, the said allotment was cancelled. The respondents filed writ petition in the High Court challenging the cancellation. The High Court while deciding the writ petition vide its judgment dated 02.7.2009 quashed the cancellation on the ground that once the allotment was made in favour of the available allottee after due deliberations, a valuable right has accrued and before passing an order rescinding or cancelling the allotment, a show cause notice was required as per the principles of natural justice.

While allowing the writ petition, the High court also gave directions to the appellant herein to execute the contract pursuant to allotment dated 12th July, 1995. This part of the order is against the law. A review petition was filed, which was also dismissed.

We find that once the order of cancellation is set-aside on the ground that no show cause notice was issued, liberty should have been granted to the appellant to give show cause notice and then take an appropriate action on that basis.

We may record that the allotment was cancelled way back in the year 1996 and the appellant has taken a plea in this appeal that the land has been developed by the appellant itself. This is argued by the learned counsel for the respondents that development was not for the aforesaid purpose, and further that even if the land is not available, the respondents shall also be entitled for the damages. All these aspects may be taken into consideration while passing the orders after issuing the show cause notice and giving an opportunity to the respondent in this behalf.

With the aforesaid observations, the appeal is allowed.

.....J.
[A.K. SIKRI]

.....J.
[ASHOK BHUSHAN]

NEW DELHI,
MARCH 31, 2017

ITEM NO.38

COURT NO.8

SECTION XI

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) Nos.1301-1302/2014

(Arising out of impugned final judgment and order dated 18/11/2013 in RP No. 243/2009 02/07/2009 in WP No. 3160/1997 passed by the High Court Of Judicature at Allahabad, Lucknow Bench)

U.P AVAS EV. VIKAS PARISHAD & ANR & ETC

Petitioner(s)

VERSUS

M/S K.C HOMES & SERV. PVT LTD &ORS & ETC

Respondent(s)

(with appln. (s) for exemption from filing O.T. and permission to submit additional document(s) and taking additional document on record and interim relief and office report)

Date : 31/03/2017 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. P. N. Mishra, Adv.
Mr. Vishwajit Singh, Adv.
Ms. Ridhima Singh, Adv.
Mr. Gaurav Tripathi, Adv.
Mr. Piyush Vatsa, Adv.

For Respondent(s) Mr. Dhruv Mehta, Sr. Adv.
Mr. Anurag Kishore, Adv.
Mr. Mordhwaj Singh, Adv.

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

Leave granted.

These Civil Appeals are allowed in terms of the signed order.

Pending applications stand disposed of.

(RASHMI DHYANI)
SR.P.A.

(MALA KUMARI SHARMA)
COURT MASTER

(Signed order is placed on the file)