

ITEM NO.54

COURT NO.12

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) No(s). 2742/2017

(Arising out of impugned final judgment and order dated 11-07-2016 in WC No. 30638/2016 passed by the High Court Of Judicature At Allahabad)

ARJUN KUMAR AGRAWAL

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(IA No.67538/2017-EXEMPTION FROM FILING O.T.
FOR EXEMPTION FROM FILING O.T. ON IA 2/2017)

Date : 23-10-2017 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Ranbir Singh Yadav, AOR
Mr. Puran Mal Saini, Adv.
Ms. Anzu K. Varkey, Adv.
Mr. Pati Raj Yadav, Adv.

For Respondent(s) Mr. Vishwajit Singh, AOR
Mr. Pankaj Singh, Adv.
Mr. Gaurav Singh, Adv.

Mr. Tanmay Aggarwal, Adv.
Mr. Santosh Kumar, Adv.
Mr. Vinay Garg, AOR

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

- 1) Exemption allowed.
- 2) We see nothing wrong with the impugned judgment of the High Court, which has non-suited the petitioner on the ground that the cancellation order passed by the authorities was correct in view of the fact that payments were not made in time. The High Court also held that as the particular property had been auctioned to somebody

else and that person was not impleaded, the writ petition was defective and therefore, would have to be dismissed.

3) However, given the fact that from February, 2012 to September, 2015, the petitioner was in jail and therefore, could not make the necessary payments, we direct the U.P. Avas Evam Vikas Parishad to consider whether a like plot can be given to the petitioner in some other scheme within a period of eight weeks from today.

4) Needless to add, if such a plot is ultimately to be given to the petitioner, the petitioner will pay the market rate as of today.

5) With these observations, the Special Leave Petition is disposed of.

(R. NATARAJAN)
COURT MASTER

(SAROJ KUMARI GAUR)
COURT MASTER