

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.20 OF 2019
(@SLP(C) No.32359/2018)

MEERUT DEVELOPMENT AUTHORITY & ANR.

Appellant(s)

VERSUS

BABITA DEVI & ANR.

Respondent(s)

O R D E R

Leave granted.

By the impugned order of the High Court, the following *ad-interim* directions have been issued:

"In the meanwhile, the respondent-Meerut Development Authority shall not demolish the property in question. The Meerut Development Authority is further directed to release the property and hand over to the petitioner provided the petitioner undertakes that in the event of dismissal of this petition for writ, he will hand over complete vacant possession of the property to the Meerut Development Authority and further shall also pay mesne profit i.e. to be determined at the rate of Rs.10,000/- per month for the period he keep the property in his possession. The petitioner shall also furnish an undertaking that till disposal of the writ petition he will not sale, transfer or otherwise alienate the property in question."

The Meerut Development Authority has assailed the above directions.

Learned counsel appearing on behalf of the original petitioners, who is on caveat, has entered appearance.

In our view, it will be appropriate, at this stage, to maintain the *ad interim* direction of the High Court restraining the demolition of the property. However, the second part of the direction for the release of the property subject to an undertaking should, in our view, be stayed pending the disposal of the writ petition. There is merit in the submission that the grant of this part of the relief would virtually amount to final relief in the proceedings.

We accordingly direct that:

(i) The appellants shall file their counter affidavit before the High Court within a period of two weeks from today;

(ii) The High Court is required to take up the writ petition for final hearing at an early date and endeavour a final disposal preferably within a period of one month thereafter;

(iii) Pending further orders, the interim direction for the release of the property to the original petitioners shall remain stayed.

We clarify that we have not expressed any opinion on the merits so as not to affect the respective rights and

contentions of the parties at the final hearing. The High Court would, it is needless to add, dispose of the petition on its own merits after considering the rival submissions.

The appeal is accordingly disposed of.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
JANUARY 03, 2019

ITEM NO.18

COURT NO.12

SECTION III-A

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

Civil Appeal No(s).20/2019

MEERUT DEVELOPMENT AUTHORITY & ANR.

Appellant(s)

VERSUS

BABITA DEVI & ANR.

Respondent(s)

(WITH I.R. and IA No.176807/2018-EXEMPTION FROM FILING O.T.)

Date : 03-01-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTAFor Appellant(s) Mr. Sudhir Kulshreshtha, AOR
Mr. Sameer Kulshreshtha, Adv.For Respondent(s) Mr. Sanchit Garya, Adv.
Mr. Pahlad Singh Sharma, AOR
Mr. Sanjay Sharma, Adv.UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

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

Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)