

ITEM NO.52

COURT NO.7

SECTION XVII-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

Petition(s) for Special Leave to Appeal (C) No(s).29717/2018

(Arising out of impugned final judgment and order dated 04-09-2018 in RP No. 4499/2014 passed by the National Consumer Disputes Redressal Commission, New Delhi)

LAXMI CHAND JAIN

Petitioner(s)

VERSUS

YUSUF ALI AGRAWALA &amp; ORS.

Respondent(s)

(WITH IA No. 20494/2019 - DISMISSING THE CASE, IA No. 161536/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 74290/2019 - EXEMPTION FROM FILING O.T., IA No. 38672/2019 - EXEMPTION FROM FILING O.T., IA No. 161537/2018 - EXEMPTION FROM FILING O.T., IA No. 74289/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No. 38669/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 194/2019 (XVII-A)

(WITH IA No. 1758/2019 - EXEMPTION FROM FILING O.T., IA No. 74348/2019 - EXEMPTION FROM FILING O.T., IA No. 74346/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 31-01-2020 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Kapil Chandna, Adv.  
Mr. Vishwa Pal Singh, AOR

Mr. Rajul Shrivastav, Adv.  
Mr. K. Krishna Kumar, AOR  
Mr. Rajnesh Chuni, Adv.

For Respondent(s) Mr. Sushil Dutt Salwan, Adv.  
Mr. Pramod Dayal, AOR  
Mr. Nikunj Dayal, Adv.  
Ms. Payal Dayal, Adv.  
Mr. Arjun Garg, Adv.

Respondent-in-person

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

On 11 December 2019, the following order was passed by this Court, recording the statement of the learned counsel appearing on behalf of the Madhya Pradesh Housing and Infrastructure Board:

"Learned counsel appearing on behalf of the Madhya Pradesh Housing Board states that the action which has been taken against the petitioners is not confined to the petitioners alone and that the Housing Board will take action against any person similarly placed who has occupied area on the ground floor appurtenant to the common areas and amenities of all the residents.

We permit the Housing Board to file an affidavit by 6 January 2020.

List the Special Leave Petitions on 13 January 2020."

In pursuance of the above order, an affidavit has been filed by the Executive Engineer of the Madhya Pradesh Housing and Infrastructure Development Board. The affidavit contains the following statement:

"I say that the flat allotted to the petitioner, bearing MIG flat no.AE-1 is situated in Khajrani Colony, Pt. Ravishankar Shukl Nagar at Indore, Madhya Pradesh.

4. I say that the lease/sale deed qua the common open area, which was appurtenant to the petitioner's residential flat, and erroneously allotted to the petitioner, has since been cancelled pursuant to the directions of the District Consumer Redressal Forum, District Bench Indore dated 16<sup>th</sup> July 2010 bearing Case No.1438/2010 titled Yusuf Ali Agrawala v/s Sh. Praveen Garg,

Housing Commissioner, M.P. Housing Board and Ors. I say that Respondent No.2 shall take identical action against all allottees similarly situated in the said L.I.G. Block of the Colony and who may have also been, likewise, allotted the common open area and are in possession of the said area on the ground floor."

The Board has made a solemn commitment to this Court to the effect that the action which is being pursued against the petitioners would be pursued against allottees similarly situated in the LIG Block of the residential colony in question to whom any allotment of the common open area may have been made contrary to the provisions of the Madhya Pradesh Prakoshtha Swamitva Adhiniyam 1976.

In view of the statement which has been made in the above terms, we see no merit in the Special Leave Petitions. The Special Leave Petitions are accordingly dismissed.

Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)  
AR-CUM-PS

(SAROJ KUMARI GAUR)  
COURT MASTER