

REVISED

ITEM NO.3 Court 5 (Video Conferencing) SECTION IV-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 5030-5032/2020

(Arising out of impugned final judgment and order dated 10-02-2020 in CWP No. 18833/2019 10-02-2020 in CWP No. 19682/2019 10-02-2020 in CWP No. 19996/2019 passed by the High Court Of Punjab & Haryana At Chandigarh)

RAJENDER PRASAD AGGARWAL & ORS. ETC. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. ETC. Respondent(s)

(IA No. 74694/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 34188/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 81232/2020 - INTERVENTION/IMPLEADMENT
IA No. 103093/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 36427/2020 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

Date : 04-02-2021 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.M. KHANWILKAR
 HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. P. S. Patwalia, Sr. Adv.
 Mr. Gauravjit Singh Patwalia, Adv.
 Mr. Tushar Bakshi, AOR

For Respondent(s) Mr. K. K. Venugopal, AGI
 Mr. K. M. Nataraj, ASG
 Mr. R. Bala, Sr. Adv.
 Mr. Akshay Amritanshu, Adv.
 Mr. Ankur Talwar, Adv.
 Mr. Sachin Sharma, Adv.
 Mr. Arvind Kumar Sharma, AOR

Mr. Ajay Marwah, AOR

Mr. Rakesh K. Khanna, Sr. Adv.
Mr. Ajay Marwah, AOR
Mr. Ayush Gupta, Adv.
Mr. Swaroop Anand Mishra, Adv.

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

Heard counsel for the parties.

We do not wish to interfere with the impugned order passed by the High Court.

The principal grievance of the petitioners overlooks the crucial fact that the Shopping Complex in question, wherein the petitioners had occupied shops at the relevant time had been constructed from public funds and on Defence land. In that case, it is not open to the petitioners to place reliance on the provisions of the Defence Shopping Complexes (Maintenance & Administration) Rules, 2006, which applies to shopping complexes constructed by using non-public funds, as is evident from the Rules read with letter dated 04.01.2011 referred to therein.

Accordingly, the grievance of the petitioners, in our opinion, is devoid on merits. Hence, these Special Leave Petitions deserve to be dismissed.

However, we direct the respondents to return the goods belonging to the petitioners, seized during the eviction process, if any.

Besides, we impress upon the competent authority to waive the penalty, if any, pertaining to the shops which were occupied by the petitioners before eviction.

Pending application(s), if any, stand disposed of.

(JAGDISH KUMAR)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

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Accordingly, the grievance of the petitioners, in our opinion, is devoid on merits. Hence, these Special Leave Petitions deserve to be dismissed.

However, we direct the respondents to return the goods belonging to the petitioners, seized during the eviction process, if any.

Besides, we impress upon the competent authority to waive the penalty, if any, pertaining to the shops which were occupied by the petitioners before eviction.

Pending application(s), if any, stand disposed of.

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