

ITEM NO.62

COURT NO.10

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).28403/2017

(Arising out of impugned final judgment and order dated 30-09-2016 in CMWP No.14756/2016 passed by the High Court Of Judicature At Allahabad)

MOHD. ATIQUE & ORS.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

Date : 11-01-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Chandra Shekhar, Adv.
Mr. Prashant Shekhar, Adv.
Mr. Prashant Tyagi, Adv.
Mr. S.K. Verma, AOR

For Respondent(s) Mr. S.R. Singh, Sr. Adv.
State Mr. Kamendra Mishra, AOR
Mr. Ardhendumauli Kumar Prasad, AOR

Mr. Vishwajit Singh, AOR
Ms. Ridhima Singh, Adv.
Mr. Gaurav Singh, Adv.

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

1. Considering the facts and circumstances of the case and also the fact that allotment of houses was made to the persons belonging to the Below Poverty Line (BPL). They are not in a position to pay penal interest. Though they are in occupation of houses allotted to them and they have paid part of principle amount also. It is beyond the capacity

to pay outstanding amounts. It is considered appropriate to waive the liability of heavy penal interest, as it would be impossible for the petitioners to make the payment. The incumbents are residing in the houses for the last more than two decades.

2. The learned counsel for respondents with full fairness stated that reasonable amount of interest may be fixed and ordered to be paid.

3. As only part of principle amount has been paid, in our opinion, it would be appropriate to direct for payment of outstanding principle and towards interest amount equal to outstanding principle amount would suffice, thus payment of double of the outstanding amount of principle amount would be sufficient in the facts of the case.

4. Let the payment be made in the aforesaid manner within four months i.e. by end of the month of May, 2018. The special leave petition is, accordingly, disposed of. This order is not to be treated as a precedent in any other case, as it is passed in peculiar facts and circumstances of the present case, in exercise of our jurisdiction under Article 142 of the Constitution of India.

5. Pending applications also stand disposed of.

(Sarita Purohit)
Court master

(Jagdish Chander)
Branch Officer