

M/S. Raiganj Consumer Forum vs Union Of India . on 14 January, 2020

Bench: Arun Mishra, Vineet Saran, S. Ravindra Bhat

ITEM NO.1

COURT NO.3

SECTION X

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Writ Petition(s)(Civil)

No(s). 188/2004

M/S. RAIGANJ CONSUMER FORUM

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 33106/2019 - APPLICATION FOR PERMISSION
IA No. 154673/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 62733/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 45905/2019 - CLARIFICATION/DIRECTION
IA No. 36952/2019 - CLARIFICATION/DIRECTION
IA No. 156169/2018 - CLARIFICATION/DIRECTION
IA No. 148036/2018 - CLARIFICATION/DIRECTION
IA No. 62731/2019 - INTERVENTION APPLICATION),
IA 148036/2018, 154673/2018, 156169/2018, 33106/2019,
36952/2019, 45905/2019, 62731/2019, 62733/2019)

WITH

T.C.(C) No. 171/2003 (XVI-A)

T.C.(C) No. 59/2003 (XVI-A)

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NARENDRA PRASAD
Date: 2020.01.16
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C.A. No. 3134-3137/2016 (IV)

T.C.(C) No. 34/2019 (XVI-A)

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T.C.(C) No. 36/2019 (XVI-A)

T.C.(C) No. 37/2019 (XVI-A)

T.C.(C) No. 38/2019 (XVI-A)

Date : 14-01-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

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Mr. Dhruv Mehta, Sr. Adv.
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Mr. Ranjan Mukherjee, Adv.
Mr. Subhasish Bhowmick, AOR

Mr. Bhargava V. Desai, AOR

Ms. Suruchii Aggarwal, AOR
Mr. Prashant Chauhan, Adv.

8

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Mr. P.D. Sharma, AOR

Mr. R.C. Kaushik, AOR

Ms. Minakshi Vij, AOR

Mr. Somnath Mukherjee, AOR

Mr. Shailendra Bhardwaj, AOR

Mr. Arun Kumar Beriwal, AOR

Mr. Naresh Bakshi, AOR

Mr. Rana Ranjit Singh, AOR

Mr. Shree Pal Singh, AOR

Mr. Abhijit Sengupta, AOR

Ms. Chitra Markandaya, AOR

Mr. Vishwajit Singh, AOR

Mr. B. K. Pal, AOR

Mr. K.S. Rana, AOR

Mr. Arun K. Sinha, AOR

Mr. Sudhir Kumar Gupta, AOR

Mr. R. Gopalakrishnan, AOR

Mr. A.P. Mohanty, AOR

M/S. AP & J Chambers, AOR

Mr. Harpal Singh Sahani, Adv.

Mr. Soumo Palit, Adv.

Mr. Sayan Ray, Adv.

Mr. Yash Pal Dhingra, AOR

Mr. Ramesh Babu M. R., AOR

Mr. S. Ravi Shankar, AOR

Mr. Ranjan Mukherjee, AOR

Mr. Alok Gupta, AOR

9

Mr. Somnath Mukherjee, AOR

Dr. Surender Singh Hooda, AOR

Mr. Rameshwar Prasad Goyal, AOR

Mr. Surya Kant, AOR

Mr. Rajiv Goel, Adv.

Mr. Rajesh Sharma, Adv.

Mr. Firoz Saifi, Adv.

Ms. Shalu Sharma, AOR

Mrs. S. Usha Reddy, AOR

Mr. Ashwani Kumar, AOR

Mr. M.C. Dhingra, AOR

Mr. Ashok Kumar Singh, AOR

Mr. Naresh Kumar Gaur, Adv.

Mr. Shantwanu Singh, Adv.

Ms. Pragya Singh, Adv.

Mr. Chander Shekhar Ashri, AOR

Mr. G. Ramakrishna Prasad, AOR

Ms. Varsha Singh, Adv.

Mr. Hitesh Kumar Sharma, Adv.

Mr. S.K. Rajora, Adv.

Mr. Akhileshwar Jha, Adv.

Mr. Kusum Chaudhary, AOR

Ms. Sunita Sharma, AOR

M/s. K.J. John and Co., AOR

Mr. D.N. Goburdhan, AOR

Ms. Tanuj Bagga, AOR

Mr. Ugra Shankar Prasad, AOR

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

Heard learned counsel for the parties.

Ms. Suruchii Aggarwal, learned counsel appearing on behalf of the Committee, submits that I.A. Nos.154673/2018, 148036/2018 & 156169/2018 have rendered infructuous.

I.A. Nos.154673/2018, 148036/2018 & 156169/2018 are accordingly, disposed of as having become infructuous.

Mr. K. Radhakrishnan, learned senior counsel appearing on behalf of the Income Tax Department, has today handed over Status Report on behalf of Income Tax Department, which is taken on record. In the status report the following properties are mentioned:-

S. No. Description of the Property

1. Agricultural Land, Village Kishanpura Jind, Haryana
2. Flat Bearing D. No.15-1-84, Flat No.6-A, 6th Floor, Block B, Sea Doll Apartments, Opp. Grand Bay Hotel, Nowroji Road, Maharani Peta, Vishakhapatnam, Andhra Pradesh.
3. Agricultural Land, Village Pargana and Tehsil Nazibabad, Distt. Bijnor, Uttar Pradesh
4. Agricultural land, village Bunga, Haryana
5. Agricultural Land Village Jagadhari Tehsil & Distt.

Yamunanagar, Haryana

6. House No.D-6, Residential Yojana, Begum Bagh, Meerut, Uttar Pradesh.
7. SCF-21-P, Sector Diwan Khana, HUDA Jind, Haryana
8. Agricultural Land, Village Parasoli, Gurugram, Haryana
9. Agricultural Land, Village Bhakrakha, Gurugram, Haryana
10. Agricultural Land, Bhorakhurd, Gurugram, Haryana
11. Agricultural Land, Village Sidhrawali, Gurugram, Haryana
12. Agricultural Land, Village Jaswantgarh, Haryana
13. Agricultural Land, Village Billa, Haryana
14. Semi Constructed building and open areas in agricultural land in village Billa, Haryana
15. Agricultural Land, Village Kot, Haryana
16. Agricultural Land, Village Panda, Tehsil Mhow, Indore, Madhya Pradesh.
17. Agricultural Land, Village Nawda, Tehsil, Mhow, Indore, Madhya Pradesh.
18. Homestead land comprises of two storeyed building Golden Complex, RS Plot No.3288, Street No.3, Pargana Baikunthapura, Mouza Siliguri, JL No.110(88), PS Siliguri, Ditt. Darjelling, West Bengal.
19. Agricultural Land, Village Raau, Tehsil and District Indore, Madhya Pradesh.
20. Flat No.601, GF Building, No.6, Ranka Park Apartment, Lal Bagh Road, Dodamavaal, Bangalore, Karnataka.
21. Flat No.S-1, IInd Floor, Albert Court Corporation No.2/4, Albert Street Corporation Ward No.76, Bangalore, Karnataka.
22. Under Cliff Estate, Mussoorie, Uttrakhand
23. House No.C-6/359/1, Garhi Mundo, Jagadhari, Haryana.

Learned senior counsel has pointed out that five properties (mentioned at S. Nos.1 to 5) have been sold. Let the process be completed and the amount be transmitted in the account of the Committee.

With respect to property at S. No.6, learned counsel has prayed for time to furnish the details as to rights of the occupants, the Committee also to look into this aspect. Thereafter, matter will be heard and appropriate orders will be passed with respect to the said property.

Let fresh date(s) of auctions be notified in respect of the properties (mentioned at S. Nos.6 to 15) for which no bid has been submitted.

In respect of properties mentioned at S.Nos.7, 8, 9, 10, 11 and 22, let fresh valuation be done by the Valuation Committee. With respect to properties at S.Nos.16 & 17, let the demarcation be done by the concerned Authorities, as early as possible and thereafter needful be done. Let the encumbrances be ascertained with respect to property at S. No.18 and needful be done, as assured, as early as possible. With respect to the property at S. No.19, we direct the Government of Madhya Pradesh to cooperate and provide all necessary documents sought by the Income Tax Department, within a period of fifteen days from the receipt of the request from the Income Tax Department along with a copy of this order.

With respect to properties at S.Nos.20 and 21, let the committee look into the matter and submit its opinion as to the nature of the rights and whether the matter is covered by the orders passed by this Court. With respect to property at S.No.23, let the Bank charge be specified. The Committee also to submit its opinion in this regard.

It is submitted by the learned counsel appearing on behalf of the Investors that with respect to certain investors in Chart 'D' and 'E' of report is not complete. Let needful be done by the Committee and furnish the details on the next date of hearing. It was stated by the learned counsel appearing for the State of Uttarakhand that the Uttarakhand Authorities are proceeding to take up the matter of Urban Land Ceiling Act, it is assured on behalf of the learned counsel that no final orders are going to be passed without the permission of this Court. Statement of the learned counsel is placed on record. This is sufficient to take care of the grievance raised by Ms. Suruchii Aggarwal, learned counsel appearing on behalf of the Committee. With respect to surplus land, counter affidavit has been filed. Let rejoinder to that, if any, be filed by the Committee within three weeks.

List in the last week of February, 2020.

The Registry is directed to show the files to the learned counsel for the Committee.

(NARENDRA PRASAD)
COURT MASTER

(JAGDISH CHANDER)
COURT MASTER

Encl: A copy of Status Report on behalf of Income Tax Department.