

Om Prakash Dhabai vs The State Of Rajasthan State Of ... on 14 November, 2017

Author: Kurian Joseph

Bench: R. Banumathi, Kurian Joseph

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 18741 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO.22651/2012]

OM PRAKASH DHABAI & ANR.

APPEL

VERSUS

THE STATE OF RAJASTHAN & ORS.

RESPO

J U D G M E N T

KURIAN, J.

Leave granted.

2. The issue pertains to the allotment of a plot of land as per letter dated 6.5.1997 of the Commissioner (Head Quarters), Jaipur Municipal Corporation.

3. Having regard to the prolonged litigation and other disputes, on 13.1.2017 this Court passed the following order:-

“Learned counsel for the petitioners, inviting our reference to the affidavit dated 08.02.2016, submits that vacant shops are available in S-Block. However, the learned counsel appearing for the respondents submits that this is actually a space earmarked under the master plan for parking space.

Learned counsel for the petitioners, however, submits that as and when the Master Plan is implemented he will also face the consequences and on that ground the allotment may not be denied

to him.

Learned counsel seeks some time to get instruction.

Post the matter next Friday, i.e, on 20.01.2017.”

4. Learned counsel, on instruction, submits that the appellants are prepared to get the shops allotted at their risk meaning thereby that as and when the master plan is implemented, they are liable to be evicted.

5. The appeal is hence disposed of in terms of the order, as above, and the submission of the counsel is recorded.

6. Needless to say that the appellants shall be liable to pay the usual charges which have been levied from the similarly situated persons.

7. It is further made clear that allotment will be in terms of the letter of original allotment dated 6.5.1997.

8. Pending applications, if any, shall stand disposed of.

9. There shall be no orders as to costs.

.....J. [KURIAN JOSEPH]J. [R. BANUMATHI] NEW DELHI;

NOVEMBER 14, 2017.