

[2015] 1 S.C.R. 8

NARGIS JAL HARADHVALA

v.

STATE OF MAHARASHTRA AND OTHERS

(Civil Appeal No.5989 of 2007) JANUARY 06, 2015

[M.Y. EQBAL AND ABHAY MANOHAR SAPRE, JJ]

Urban Land (Ceiling and Regulation) Act, 1976 — s. 20 — Application under, seeking exemption — Exemption order tentatively specified 30% of the permissible floor space of the exempted land to be sold to Government Nominees — Clarification that the percentage would be prescribed by the Government as per the extent of the land to be exempted — issuance of corrigendum by the Government that the appellant-land owner to surrender to the Government nominees 20% of the floor space of the first 2000sq.mt. of the net permissible FSI of the land exempted and 30% of the balance sq.mt. permissible — Appellant's case that only 5% area-flats could be claimed in view of the judgment by this Court — Respondent No.3 asking the appellant to surrender 805.58 sq.mt. of area in addition to 303.73 sq.mt. already surrendered by her — Writ petition by appellant, set aside by High Court - On appeal, held: Appellant bound to surrender to the Government a total 20% of the permissible floor space in the light of the corrigendum — Calculating 20% of the floor Space, appellant to sell 11 more flats to the persons that may be nominated by the Government.

Allowing the appeal, the Court

HELD: Exemption under Section 20 of the Urban Land (Ceiling and Regulation) Act, 1976 was granted on 17.8.1987 with the condition to surrender 30% of the permissible floor space to the allottees nominated by the Government. It was clarified that the percentage would be