

Supreme Court of India

Delhi Devt.Authority vs Sunil Kathuria & Ors on 17 September, 1947

Author:J.

Bench: Anil R. Dave, Vikramajit Sen

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NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL/APPELLATE JURISDICTION

CONMT.PET.(C) No. 281-282 OF 2014
IN
SPECIAL LEAVE PETITION (C) NOS. 34794-34795 OF 2011

DELHI DEVT.AUTHORITY

Petitioner(s)

VERSUS

SUNIL KATHURIA & ORS

Respondent(s)

WITH

CIVIL APPEAL NO. 9220 OF 2014
[ARISING OUT OF SPECIAL LEAVE PETITION (C) NO. 15796
OF 2014]

J U D G M E N T

ANIL R. DAVE, J.

CONMT.PET.(C) No. 281-282 OF 2014 IN SPECIAL LEAVE PETITION (C) NOS. 34794-34795 OF 2011 Mr. Sunil Kathuria, Chairman, Kathuria Public School Educational and Charitable Society, is present in this Court and he has tendered his unconditional and absolute apology for not vacating the premises in question in spite of the order passed by this Court. The apology is accepted.

He has further stated that he is deemed to have handed over possession of the land in question Page 1 including the premises constructed thereon on 30.04.2013, as per his undertaking given to this Court on 09.12.2011.

At present, Kathuria Public School is being managed by Sh. Rakesh Khanna, learned senior counsel, in pursuance of this Court's order dated 01.08.2014. He shall continue to look after the management

of the school till 30.04.2015 or till final decision, which might be rendered by the High Court in Writ Petition (C) No. 2009 of 2014, whichever is earlier.

Mr. Rakesh Khanna, learned senior counsel, had been appointed as an Administrator to look after the management of Kathuria Public School and hence, he shall be paid an honorarium of Rs. 1,00,000/- (Rupees One Lac only) per month till 30.04.2015 from the day he was appointed as such. The said honorarium (excluding the expenditure which might have been incurred by him for the purpose of administration of the school) shall be paid by Kathuria Public School Educational and Charitable Society.

In view of the above order, the Contempt Petition (C) Nos. 281-282 of 2014 are disposed of.

***** Page 2 CIVIL APPEAL NO. 9220 OF 2014 [ARISING OUT OF SPECIAL LEAVE PETITION (C) NO. 15796 OF 2014] Leave granted.

Heard the learned senior counsel appearing for the appellants as well as the school administrator appointed by this Court.

Mr. Sunita Sharma, learned counsel, accepts notice on behalf of Union of India and Mr. Ashwani Kumar, learned counsel, accepts notice on behalf of Delhi Development Authority (DDA). Upon hearing the learned counsel for either side and upon perusing the impugned Judgment, we find that the High Court did not decide the Writ Petition, being W.P.(C) No. 2009 of 2014 and CM. Application No. 4193 of 2014 on merits, for the reason that the contempt petitions were pending in this Court and possession of the land in question had not been handed over by the appellants to the respondent – DDA. Since the contempt petitions have now been disposed of and possession of the land in question has also been taken over by Mr. Rakesh Khanna, learned senior counsel, on behalf of DDA, the reasons for which the writ petition was not decided on merits by the High Court do not exist today. In these circumstances, we quash and set aside the impugned Judgment delivered by the High Court and Page 3 remand the matter to the High Court so that the writ petition can be decided on merits.

Looking at the peculiar facts of the case, we desire that the High Court should decide the writ petition, preferably by 30th December, 2014 because at present, the school is being run on the land in question and the school is permitted to continue only till 30th April, 2015, unless the petition filed by the appellants challenging the validity of the acquisition is allowed.

We have been informed by the learned counsel that all matters which pertain to release of land in question in pursuance of Section 24(2) of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013, are pending before a Division Bench in Court No. 2 in the High Court. Therefore, the learned counsel for the appellants is permitted to mention this matter before the High Court in Court No. 2 so that the matter can be taken up for hearing at an early date.

The learned counsel appearing for either side have assured this Court that their counterparts appearing in the High Court shall extend their cooperation, without praying for unnecessary adjournments, so that the writ petition can be disposed of by the High Court within the stipulated time.

Page 4 With the above observations and directions, the Civil Appeal is disposed of as allowed with no order as to costs.

.....J.

[ANIL R. DAVE]J.

[VIKRAMAJIT SEN] New Delhi;

September 17, 2014.

Page 5 IN THE SUPREME COURT OF INDIA CIVIL ORIGINAL JURISDICTION CONMT.PET.(C) No. 281-282 OF 2014 IN SPECIAL LEAVE PETITION (C) No. 34794-34795 OF 2011 STATEMENT OF SH. SUNIL KATHURIA, S/O LATE SH. RAM SARUP KATHURIA AGED 56 YRS R/O A-46, KIRTI NAGAR NEW DELHI – 110 015.

ON SA I tender my unconditional and absolute apology for what I have done.

R.O & A.C.

17.09.2014J.

[ANIL R. DAVE]J.

[VIKRAMAJIT SEN] New Delhi;

September 17, 2014.

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