

Supreme Court of India

J.P Ravidas & Ors vs Navyavak Harijan Uthapan Hulti ... on 7 July, 1997

Bench: K. Ramaswamy, D.P. Wadhwa

PETITIONER:

J . P R A V I D A S   &   O R S .

V s .

R E S P O N D E N T :

N A V Y A V A K   H A R I J A N   U T H A P A N   H U L T I   U N I T   I N D U S T R I A L   C O - O P .   S O C I E T

D A T E   O F   J U D G M E N T :                      07/07/1997

B E N C H :

K . R A M A S W A M Y ,   D . P . W A D H W A

A C T :

H E A D N O T E :

J U D G M E N T :

O R D E R Pursuant to the direction issued by this Court on April 12, 1996 in J.P Ravidas & Ors. vs Navyavak Haruan Uthapan Multi Unit Industrial Cooperative Societies Ltd. & Ors. [(1996) 9 SCC 800], the registrar of the cooperative society made an enquiry into the eligibility of the person to whom the allotments have been made by the builder in contravention of the original directions issued by the Government while allotting the Government land. It is clearly established from the report that the builder has grossly violated the regulation of allotment of the flats to the non-Dalit members. This ultimate finding recorded by the Registrar is that 40 non-dalit members are in the possession of the flats contrary to the regulation and accordingly he directed the Administrator to eject those person and allot these flats to the Dalit members in accordance therewith. We find that the report is correct. According to Shri Harish Salve, learned counsel for the employees of the Municipal Corporation they are entitled to allotment of the flats in the building constructed by the society. The Registrar is not right in cancelling these allotments. Shri R.S. Masodkar, learned counsel for the State, in fairness, has stated that the view taken by the Registrar is not correct to the reservation as per the Regulation. It should be determined by the Registrar and to that extent the allotment made to the Corporation's employees is directed to be regularised. This is out of general category. The 40 non-dalits allottees will go. As regards the Dalit members, the direction given is perfectly valid and warrants no interference.

An application for clarification has been filed by the Society stating that the management has not

handed over the possession of the flats to the appellants: instead the administrator has been appointed.

In view of these facts and circumstances, we direct that the administrator should take necessary steps to have all these 40 persons named in the report of the registrar ejected. 40 Dalit eligible members should be admitted and flats allotted to them . Thereafter, he is directed to hand over the management to the Navyuvak Harijan Uchapan Multi Unit Industrial Coop. Society. The application is accordingly disposed of.

The Registrar of the Cooperative Society is directed to oversee the actions taken by the Administrator in ejecting the person in possession in allotting 40 flats to the Dalits members; in collecting the amount from them handing over the amount to the non-dalits who are dispossessed from the building.