

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No. 1113 OF 2015

09-12-2015

Between:

Indian Drugs & Pharmaceuticals Limited (A Govt. of India Enterprise),
Head Office, Scope Complex, core-6, 1st Floor, 7th Lodi Road, New
Delhi – 110003 Itel:011-24364340), rep., by its Chairman & Managing
Director and another

... Appellants

And

Mrs. Kaniz Fatima and others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND

HON'BLE SRI JUSTICE S.V. BHATT

-
WRIT APPEAL No. 1113 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the order dated
24-06-2014 passed in Writ Petition No. 16458 of 2014 whereby
directions are issued as follows:

“Learned counsel for the petitioner has brought to the notice of this court that the petitioner had earlier filed O.S No.49 of 1989 before the I Additional Subordinate Judge, Ranga Reddy District against three defendants, which include the Chief Administrative Officer of Synthetics Drugs Project and the said suit for recovery of possession of land, allegedly encroached by the defendants, was, ultimately decreed under judgment and decree dt.06.09.1996 and the appeal filed there against before this court in A.S No. 475 of 2000 was dismissed on 26.04.2000. Learned counsel for the petitioner also states that the encroached land was also delivered to the petitioner by the executing court under Bailiff's panchanama dt.23.09.2000.

Though there appears to be a decree confirmed by this court in favour of the petitioner, as referred to above, the first respondent is required to consider the objections received with regard to the survey of the land in question in the light of all the material existing on record including the decrees aforesaid. In that view of the matter, the petitioner is at liberty to file documents on which she places reliance including the decrees before the first respondent, who shall consider the same while considering the objections received and take an appropriate decision in the matter expeditiously within a period of four (4) weeks from the date of receipt of a copy of this order.”

Respondent No.1 sought direction to demarcate boundaries in

respect of her land. After the order of this Court, learned counsel for the appellants submits that notice dated 17-11-2014 was issued for demarcation of the land. The appellants grievance is that their objections were not considered by the authority before issuing notice dated 17-11-2014.

It is not in dispute that the concerned authority did not grant an opportunity of being heard to either of the parties before issuing notice dated 17-11-2014. In view thereof, learned counsel for the parties have agreed for the order that we propose to pass. Hence, we dispose of this writ appeal by the following order:

“Respondent No.2 shall issue fresh notice to both the sides and consider the appellants objections, before taking an appropriate decision as observed in the order dated 24-06-2014, within a period of four weeks from the date of receipt of this order and then to take further steps. It is needless to mention that respondent No.2 shall grant an opportunity of hearing to both sides and also allow them to produce documents in support of their claims. In view of this order, notice dated 17-11-2014 renders ineffective.”

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

09-12-2015
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