

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-11324-2022

Date of Decision: 11.07.2022

Majestic Fasteners Private Limited

....Petitioner

Versus

The Union Territory of Chandigarh and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Rohit Nagpal, Advocate and
Mr. Sushant Kareet, Advocate
for the petitioner.

Amol Rattan Singh, J.(Oral)

Vide this petition, the petitioner seeks a direction to the respondent – Chandigarh Administration to issue an allotment letter and hand over physical possession of a plot to the petitioner-company, in terms of the order passed by the Supreme Court in Civil Appeal No.390 of 2018 decided on 15.01.2018 (“Ravinder Kumar Mahajan Versus The Union Territory of Chandigarh and others”), as also in pursuance of an order passed by that court on 20.10.2021 (copy Annexure P/8), in an interlocutory application filed by it, in Miscellaneous Application No.1816 of 2020 (in Civil Appeal No.390 of 2018).

Learned senior counsel appearing for the petitioner points to the order passed by the Supreme Court on 28.10.2021 in that application, with him pointing further to Annexure P/8, the memo of parties of which reads as follows:-

“IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO.24533 OF 2020

IN M.A. No.1816/2020

IN CIVIL APPEAL NO.390 OF 2018

IN THE MATTER OF :-

Ravinder Kumar Mahajan ---Appellant

Versus

The Union Territory of Chandigarh and Ors. ---Respondents

AND IN THE MATTER OF :-

Majestic Fasteners Pvt. Ltd.

182/60, Industrial Area,

Phase-I, Chandigarh

Through its Director

Kusum Gupta ---Applicant

Versus

1. U.T.Chandigarh Administration

Administration Deluxe Building,

Sector-9, Chandigarh (U.T.),

Through its Administrator

2. The Union Territory of Chandigarh

Estate Officer, Sector-17,

Chandigarh, (U.T.)

3. Director of Industries, Chandigarh

Industries Department,

39, Industrial Area, Phase-II,

Chandigarh (U.T.) ---Respondents”

On 20.10.2021, the following order had been passed by the
Supreme Court:-

“Miscellaneous Applications are disposed of in terms of the signed order.

Pending applications also stand disposed of.”

The signed order referred to is in the case of M.A. No.1817 of 2020 and M.A. No.1818 of 2020 (both applications in Civil Appeal No.390 of 2018 titled as (“Ravinder Kumar Mahajan Versus The Union Territory of Chandigarh and others”). That order reads as follows:-

“Learned counsel for the applicant(s) seek permission to withdraw these applications with liberty to approach the competent authority/Court in accordance with law.

Permission is granted.

The applications are accordingly dismissed as withdrawn with liberty as prayed for.

Miscellaneous Applications are accordingly disposed of.”

The contention therefore is that though earlier the petitioner had lost the litigation right up to the Supreme Court by way of dismissal of SLP (Civil) No.27450 of 2012, it having been dismissed on 28.09.2012, yet, in view of the orders subsequently passed in the case of Ravinder Kumar Mahajan and the miscellaneous applications thereafter filed by the petitioner, the Supreme Court in effect reviewed its earlier order and granted liberty to the petitioner to approach the authorities concerned, in view of what had been stated in the order passed by the Apex Court on 15.01.2018 in Civil Appeal No.390 of 2018 (and connected matters), to the following effect:-

“We are of the view that the appellant is absolutely correct in stating that his name was in the list of 26.10.2002 and, that he had been allotted a smaller sized plot based on the undertaking given by him and that he has to pay the prevailing rate as on the date of draw. It is wholly incorrect now to state that he should be bracketed with the intervenor(s) who appeared in this Court inasmuch as the aforesaid intervenor(s) were persons whose names were not in the said list and who wished to intervene in this Court so that they also be allotted plots.”

Upon query by this court as to whether the factum of the SLP filed by the petitioner itself having been dismissed by the Supreme Court, was brought to the notice of the Apex Court at the time that the order dated 20.10.2021 was passed, he has produced in court a copy of what is stated to be Miscellaneous Application No.1816 of 2020 in Civil Appeal No.390 of 2018, paragraph No.12 of which reads as follows:-

“Moreover, the respondent has also taken a plea that the applicant herein had earlier approached the High Court seeking allotment of plot by way of CWP No.6413/2010 which came to be dismissed on 23.4.12 which order was confirmed by Supreme Court on 28.9.12 in Special Leave Petition (Civil) No.27450/2012. It is respectfully submitted that the High Court at that stage had relied upon Hira Tikkoo's case and the Judgment rendered by this Hon'ble Court in Ravinder Mahajan's case came after 6 years i.e. on 15.1.18 wherein this Hon'ble Court has held that it was wholly unnecessary for a party to approach the High Court in as much as they were actually allotted plots pursuant to the list of 26.10.02.”

He thus submits that obviously the Supreme Court was fully aware of the dismissal of that petition but yet passed the order giving the petitioner a fresh opportunity to approach to the authorities concerned.

As already noticed, the said order was in terms of the signed order passed on 28.10.2021 in the aforesaid miscellaneous application, that being in fact an order stating that the applications were being withdrawn but with liberty granted to approach the respondents.

Learned senior counsel further submits that consequent thereto representations have been filed before the Estate Officer, U.T., Chandigarh (copies Annexure P/9 and Annexure P/10), dated 22.12.2021 and 08.02.2022 respectively, which may be ordered to be decided expeditiously.

Though in our opinion, otherwise the claim of the petitioner is highly belated at this stage, especially with an order *in-personem* having been passed in its own case, dismissing even the SLP filed in the earlier round of litigation, yet, taking it that the order passed by the Supreme Court, as is now being relied upon by the petitioner, is in exercise of jurisdiction under Article 142 of the Constitution after being duly aware of the fact that the earlier SLP has been dismissed (since it was stated so in the pleadings itself as brought before us), this petition is disposed of with a direction to the competent authority among the respondents to take a decision on the aforesaid representations as per law, within a period of three months from the date of receipt of a certified copy of this order.

However, the petitioner would produce before the respondent authority concerned certified copies of all interlocutory and miscellaneous applications filed by it before the Supreme Court, adjudicating upon which the order dated 20.10.2021 was passed.

(AMOL RATTAN SINGH)
JUDGE

11.07.2022
Varinder Prashad

(LALIT BATRA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No