

Jasbir Kaur

Vs

U. T. Chandigarh

Civil Appeal No. 342 of 1999

(V. N. Khare, N. Santosh Heqde JJ)

25.01.1999

JUDGMENT

N. Santosh Heqde, J.

1. Leave granted.

2. The controversy in this appeal centres around cancellation of lease relating to Booth Site No. 407, Section 44 C&D by the Estate Officer vide order dated 8th May, 1992, for default in payment of a part of the third instalment of the lease amount. On 29th May 1997, the writ petition filed by the appellant against the dismissal of his appeal by the Chief Administration was dismissed by the High Court. The order of the High Court has been put in issue through this appeal.

3. At the stage when notice was issued in this appeal a direction was given on 8th May, 1998 restraining the re-auction of the site in question and the appellant herein was permitted to deposit the balance amount along with interest, penalty etc., without prejudice to the rights of the parties. Six weeks' time was granted to the appellant to do the needful. Learned counsel for the appellant submits that the total amount of the instalment as due together with interest, penalty etc., as per the statement of account furnished by the Estate Department to the appellant as on 30th June, 1998, was Rs. 3,45,185/- (although the amount which was required to be paid within three weeks on 15th December, 1992 was only Rs. 1.28,000/-). It is submitted by learned counsel for the appellant that the amount of Rs. 3,45,185/- has since been paid to the Estate Officer. The payments of an amount of Rs. 3,45,185/- in accordance with the statement of account furnished by the Chandigarh Administration, by the appellant to the respondent, is not disputed by learned counsel for the respondents.

4. After hearing learned counsel for the parties but without expressing any opinion on the question of law as raised in this appeal, it appears appropriate to us now to direct the regulations of the allotment of the site in favour of the appellant. Let the needful be done by the Chandigarh Administration within four weeks. The order of cancellation of lease is, as a consequence set aside.

5. The impugned order is, therefore, set aside and this appeal is allowed. No costs.