SUPREME COURT OF INDIA

Ranchi Regional Development Authority

Vs

Sushil Kumar Mahto and Others

Appeal (Civil) 3087 of 2006 (Arising Out of Slp (C) No. 7815 of 2004)

(Arijit Pasayat and L. S. Panta, JJ)

21.07.2006

JUDGMENT

ARIJIT PASAYAT, J.

Leave granted.

Appellant calls in question legality of certain directions given by a Division bench of the Jharkhand High Court while dealing with a petition styled as Public Interest Litigation (in short the 'PIL').

The writ petitioner i.e. respondent no.1 filed the purported PIL alleging that the construction of certain multi- storeyed buildings was sanctioned illegally and contrary to the provisions of the Regional Development Authority Act (in short the 'Act') and the Building Regulations (in short the 'Regulations') and the Building Byelaws, 1981 (in short 'Byelaws'). The Authorities and the person who was the builder of the multi storeyed buildings appeared before the High Court, and took the stand that the PIL was nothing but a mischievous attempt to malign them. It was pointed out that the petitioner has not come to the Court with clean hand. The High Court took note of the fact that the writ petitioner and some of his supporters had violated sanctioned plans while making constructions of buildings and the undertaking given while obtaining sanctions for their plans. Nevertheless, the High Court found that the writ petitioner may not have come to court with absolutely clean hands, but whether the Corporation was justified in according sanction was to be reconsidered by the

appellant. The High Court also directed that cases of not only the builder who had impleaded himself in the writ petition but also all those who have violated the norms fixed by By-laws, sanctioned plans and undertakings shall be examined. The directions were further to the effect that if the writ petitioner or his supporters are found to have violated the Bye-laws, he shall be proceeded against. The appellants have not questioned the correctness of these directions. However, grievance is made relating to certain observations against officers of the appellant which according to it are uncalled for. They were not given any opportunity to be heard in the matter. They have acted bonafide and, therefore, these observations should be deleted.

It was also submitted that the Bye-laws have been amended in 2002 and while reconsideration is to be done, the same has to be in terms of Bye-laws which have come into force in 2002.

Learned counsel for the respondents accepted the position that due consideration has to be done in terms of the Bye-laws introduced in 2002.

We find that without adequate material inference has been drawn by the High Court about the laxity of the Authorities. There was no definite material about collusica or that they stood passively by winking at violation of the building Bye-laws and approved plans. These were too generalised directions. We, therefore, direct deletion of the aforesaid directions for initiating action. We, however, make it clear that if it comes to the notice of the appellant-authority that any officer who had actually acted contrary to the best interest of the Authorities can be proceeded against in accordance with law. In view of the accepted position that Bye-laws, amended in 2002 have applicability at the time of re-consideration of the matter, we direct that while considering the matter as directed by the High Court, the Bye-laws as amended in 2002 shall be kept in view. But it shall also be found out if there was any violation of pre-2002 norms, necessary action shall be taken.

It shall be imperative for the appellant-authority to make indepth enquiry to find out as to whether in any case or cases, the concerned officials, has/have acted in dereliction of duty. If the answer is in the affirmative, then necessary action has to follow.

The appeal is accordingly disposed of. No costs.