

SUPREME COURT OF INDIA

State of Haryana

Vs.

Narinder Kumar

C.A.No.1036 of 2009

(Dr. Arijit Pasayat and Asok Kumar Ganguly JJ.)

13.02.2009

JUDGMENT

A.K.Ganguly, J.

1. Leave granted.

2. The State of Haryana is in appeal impugning the judgment and order dated 25.8.2005 passed by the Punjab and Haryana High Court in Civil Writ Petition No. 14024 of 2004. The writ petitioners' (hereinafter "the respondents") grievances in the High Court were that Market Committee, Kosli (hereinafter "the Said Committee") framed a scheme for the development of the Grain Market at Kosli. Plots located in the Grain Market were auctioned from 1972 to 2002 and the respondents were allotted plots in the said Grain Market. But the main grievances of the allottees are that the basic facilities for the smooth running of their business were not provided by the said Committee. The High Court by referring to the pleadings between the parties indicated that several facilities like sewerage system and water supply, construction of covered sheds, common platform, road and parking facilities, public toilets, cooler room etc. were not in order and these are basic facilities for smooth running of the business of the stall holders. Before the High Court, the said Committee took a stand that the aforesaid infrastructure will be positively in its place within a period of one year from the date of payment of the entire dues by the respondents. It was also the stand of the said Committee that before the aforesaid facilities are provided, the said Committee shall not charge any penal interest from the respondents in view of another decision of the Division Bench of the same High Court in the case of *Pankaj Sharma & Others Vs. State of Haryana & Others*¹. That decision was not appealed against and has become final. The stand taken before the High Court by the said Committee was, the respondents also should be made liable to pay the balance purchase price due to the Committee on account of plots allotted to them. The Hon'ble High Court on the basis of the aforesaid controversies between the parties directed the Committee to furnish the entire balance amount payable by the respondents and also to inform the exact instalments due from them. After saying so, the Hon'ble High Court held that in case the respondents did not deposit the instalments in terms

of the order of this court, they will not be entitled to raise any demands against the said Committee.

3. Before this Court, a chart regarding payment of instalments has been produced and from the chart we find that there are no dues. That chart, however has been furnished before us by the respondents in their counter affidavit.

4. This Court therefore, disposes of this proceeding by directing the appellants to verify the particulars given in the same chart and if it is found that the respondents have made their entire payment and there are no dues outstanding, in that case, all the basic facilities should be made available by the said Committee within a period of six months from the date of the order.

5. The appeal is thus disposed of.

¹(2003 (2) PLJ 166)