

SUPREME COURT OF INDIA

Mohini Dang

Vs.

State of U.P.

C.A.No.4988 of 2018

(Kurian Joseph and Mohan M.Shantanagoudar,JJ.,)

10.05.2018

JUDGMENT

Kurian Joseph,J.,

SLP(Civil)No.24593/2015

1. Leave granted.

2. The appellant was allotted Plot No.54, Ambedkar Road by the Ghaziabad Development Authority as per offer letter dated 14.10.1986. The price of land at that time was Rs.2,000/- per sq. mtr. The area of the plot was 175 sq. mtr. Though there is a chequered history as to what happened after 1986, in the nature of the order we propose to pass, it is not necessary to go into the same in detail. However, it is to be noted that on 24.09.2013, the Authority had made an attempt to return the money with interest. But it is seen from the subsequent correspondence that the appellant has not actually received the money.

3. Be that as it may, when the matter was being heard by this Court, it was enquired as to whether any vacant plot of size of 175 sq. mtr. or larger size is available. On instruction, it was reported that two plots have been spared from the auction and the appellant is free to choose one plot. We find that the appellant has exercised his option for Plot No.AC-15, Ambedkar Road with an area of 207.11 sq. mtr. The present rate is Rs.61,500/- per sq. mtr. Since the appellant had already been allotted plot of 175 sq. mtr. In 1986 and for which he had paid an amount of Rs.3,19,375/-, we are of the view that it is only just, fair, equitable and complete justice between the parties that as far as the actual land value is concerned, the appellant is required to pay the present rate only for the land in excess of 175 sq. mtr. As far as other charges are concerned, the same will be calculated at the present market rate of the entire plot i.e. treating the land value as Rs.1,27,37,265/-. The amount offered to the appellant in 2013 will be duly adjusted.

4. The appellant is directed to furnish the original documents to the Authority. The Authority is directed to furnish a fresh calculation to the appellant within a period of one

month from today, in the light of our order and the appellant shall remit the amount, in terms of the communication by the Authority within two months thereafter.

5. The impugned judgment will stand modified to the above extent and the appeal is, accordingly, allowed as above.

6. Pending applications, if any, stand disposed of.

7. There shall be no orders as to costs.