

PETITIONER:
H.U.D.A. & ANR.

Vs.

RESPONDENT:
ANIL SABHARWAL & ORS.

DATE OF JUDGMENT: 05/12/1997

BENCH:
B.N. KIRPAL

ACT:

HEADNOTE:

JUDGMENT:
[With I.A.Nos.4 & 5/97 in C.A.No. 8637/97 arising out of
SLP (C) No. 11238/97]

J U D G M E N T

Verma, CJI

Leave granted limited to the question indicated in our order dated 7.7.9

The grievance of the appellants is that our order dated 7.5.97 in Sanjay Jain Vs. Anil Sabharwal & Ors. [(SLP(C) .../97 (CC.4325/97)] has been misconstrued to mean that the legality of allotment of plots made under the discretionary quota even prior to 31.10.89 has been directed by that order to be reopened and examined. It is submitted that such a misinterpretation results from a misconstruction of certain words in that order, namely:

"We are constrained to observe that the accountability of the authorities who are responsible for making these arbitrary allotments which have been rightly cancelled by the High Court needs to be examined after their identity is fixed in an appropriate proceeding. In addition, it is also expedient that any remaining allotments of the kind which have been cancelled by the High Court should also be treated also be treated alike. This exercise has not been performed by the High Court in the preset case. It is, therefore, expedient that as a follow up action, the High Court should proceed to complete the exercise."

It is sufficient for us to clarify that by the above order dated 7.5.97 this Court upheld cancellation of the allotments out of the discretionary quota made after 31.10.89 and it was further said that any remaining allotments of the same kind should be treated alike to complete the exercise. In other words, our order dated 7.5.97 contained the direction to treat all allotments out

of the discretionary quota made after 31.10.89 without any exception, in order to examine the accountability of the concerned authorities as also to avoid any discrimination between allottees subsequent to 31.10.89. That order was, therefore, concerned entirely with the allotment made after 31.10.89 and did not refer to any allotment prior to that date. We consider it necessary to say so to avoid any possible misinterpretation by this Court's order dated 7.5.97.

We may, however, add that the only question for examination by this Court in Sanjay Jain vs. Anil Sabharwal's case being all the allotments made subsequent to 31.10.89, our order is also not to be construed as inhibiting any separate/independent action in respect of allotments for any other period including period prior to 31.10.89. The appeal is disposed of with this clarification.

JUDIS