

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5078 OF 2009
(Arising out of SLP© No. 19368/2009)
(CC No. 10335/09)

Vice Chairman, Lucknow Development
Authority & Ors.

...Appellants

Versus

Mahant Baksh Singh @ Jai Chaudhary & Ors. ...Respondents

JUDGEMENT

R.M. Lodha, J.

Delay condoned.

2. Leave granted.

3. This appeal by special leave is directed against an interlocutory order dated March 31, 2009 passed by the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow.

4. The impugned direction reads thus:

“ We, therefore, direct both the parties to appear before the Vice Chairman, Lucknow Development Authority i.e. 01.04.2009 at 11.30a.m. either themselves or through authorized representative and the Vice Chairman of the Lucknow Development Authority may either provide 1 Bigha land against Khasra No. 1284 of Village Ujariao Pargana, Tehsil and District Lucknow to the petitioner in the same locality or may allot

some other alternative site to Dr. Smt. Sudha Rastogi, Opposite Party No. 5.”

5. During the course of hearing, Mr. Mukul Rohtagi, learned Senior Counsel for Respondent Nos. 1 to 6 submitted that the said respondents (original writ petitioners) have no objection if the aforesaid direction is set aside.

6. In view thereof, we are satisfied that the grievance of the appellants stands redressed and it is not necessary to go into the diverse aspects of the matter.

7. Accordingly, appeal is allowed and the direction aforesaid is set aside. Looking to the controversy raised in the writ petition, we request the High Court to hear and decide the writ petition as expeditiously as may be possible uninfluenced by any observation made in the impugned order or the order that has been passed by us.

JUDGMENT

.....J
(Tarun Chatterjee)

.....J
(R. M. Lodha)

New Delhi
August 4, 2009.