

CASE NO.:
Appeal (civil) 6052 of 1998

PETITIONER:
APPROPRIATE AUTHORITY & ANR.

Vs.

RESPONDENT:
MS. SHASHI SEHGAL & ORS..

DATE OF JUDGMENT: 10/05/2001

BENCH:
S. Rajendra Babu & K.G. Balakrishnan

JUDGMENT:

RAJENDRA BABU, J. :
L...I...T.....T.....T.....T.....T.....T.....T..J

Property bearing No. N-84, Greater Kailash I, New Delhi was agreed to be sold by one K.S.R. Chari and Smt. Chari who were permanently residing at Bangalore to Ms. Shashi Sehgal. It was disclosed in the agreement that the said Chari having retired from the Government service as the Secretary to the Government of India wanted to settle down at Bangalore after selling out the property and he had entered into an agreement to purchase a property at Bangalore. On an application filed in Form 37-I, the Appropriate Authority proceeded to compare the said property with properties comprised in S-237, Greater Kailash I and E-547, Greater Kailash II. According to the Appropriate Authority the fair market value with reference to the first property was worked out at Rs.35 lakhs and with reference to the other property at Rs. 42 lakhs. The property comprised in N-84, Greater Kailash I has three sides open though measuring 1532 sq. ft. and a lot of space has been wasted due to load bearing walls while the property comprised in S-237, Greater Kailash I has two sides open and the construction is far superior with servant quarters and car parking and property comprised in E-547, Greater Kailash II is altogether in a different locality. The party wanted a reference to be made to sale of property comprised in E-280, Greater Kailash I but that was altogether ignored by the Appropriate Authority.

Whatever be the value of the property the same was being sold under certain special circumstances which could not be ignored by the Appropriate Authority. While one of the learned Judges of the High Court felt that show cause notice is bad in law, the other learned Judge felt that the object underlying Chapter XX-C had not been complied with. Whether property had sufficient parking space or not, and adjustment had been given to the parking space and that servant quarters at the terrace were authorised or not, had still their own value and these aspects ought to have taken into consideration by the Appropriate Authority in comparing the two properties. When relevant factors had been ignored by

the Appropriate Authority, necessarily we find the view taken by the High Court in holding that the order of the Appropriate Authority is vitiated is correct.

The appeal is, therefore, dismissed. No order as to costs.

JUDIS