



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (C) NO.25782 OF 2023

SIKHA GHOSH & OTHERS

... Petitioner (s)

VERSUS

INDIAN OIL CORPORATION LTD. & ORS. ... Respondent(s)

ORDER

1. The issue in the present Special Leave Petition is with reference to eviction of the respondents from the property in their possession situated at holding No.57, 58, Premises No.281, Ward No.20, South Dum Dum Municipality, Kolkata - 700 089 an area of 6 Cottach and 43 sq.ft. (approximately).

2. Writ Petition¹ was filed by the petitioners/writ petitioners in the High Court seeking direction to the respondents to vacate and hand over vacant possession of the aforesaid property. The same was allowed by the learned

¹ W.P.A. NO.20392 of 2021

Single Judge vide order dated 16.08.2022. Aggrieved against the same, Indian Oil Corporation Ltd./respondents filed intra-court appeal². The same was allowed vide judgment dated 14.08.2023 holding that the case involved disputed questions of fact, which could not be resolved in writ jurisdiction and the writ petitioners were relegated to invoke jurisdiction of appropriate forum. Challenging the aforesaid order, the present Special Leave Petition was filed by the petitioners/writ petitioners before the High Court.

3. During the hearing of the present Special Leave Petition a broad consensus has been arrived at between the parties in terms of which the respondents are to hand over the vacant physical possession of the property in their possession to the petitioners on or before 31.03.2025 and the petitioners will forego their rights with reference to arrears of rent and mesne profit. Even the amounts lying deposited in the court will be refunded to the respondents and the cheques, if any, issued by the respondents in favour of the petitioner shall also be returned back.

² M.A.T. No.1865 of 2022

4. We may add here that we have not examined the issue of maintainability of the writ petition as the matter is being disposed of on account of consensus of the parties.

5. After hearing learned counsel for the parties, in our view, the present Special Leave Petition can be disposed of with the following directions.

(i) The respondent (I.O.C.) shall hand over the vacant physical possession of the property in question to the petitioners on or before 31.03.2025.

(ii) The petitioners has foregone the right to recover the lease rent/mesne profit for the past and future till 31.03.2025 or till handing over possession of the property in question to the petitioners, whichever is earlier.

(iii) In case of failure to comply the direction Nos.(i) & (ii), the petitioners shall be entitled to initiate contempt proceedings in addition to any other remedy which may be available to him.

(iv) Any amount lying deposit in court shall be refundable to the respondents by transfer in the appropriate bank account, particulars of which may be furnished by the respondents to the officer concerned.

(v) The petitioners shall return all cheques or any negotiable instruments in their possession to the

respondents as in view of the above consensus they will not have any right to get those encashed.

(vi) If the aforesaid terms are complied with both the parties will not have any right pending against each other.

6. The Special Leave Petition is disposed of accordingly.

.....J.
(J.K. MAHESHWARI)

.....J.
(RAJESH BINDAL)

New Delhi
September 09, 2024.