

ITEM NO.23

COURT NO.1

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

I.A. 3/2016 in Petition(s) for Special Leave to Appeal (C) No(s).  
28726/2015

(Arising out of impugned final judgment and order dated 28/09/2015  
in PN No. 1/2014 passed by the High Court Of Meghalaya At Shilong)

MENTOK RI PROJECTS PVT. LTD.

Petitioner(s)

VERSUS

J.M. THANGKHIEW AND ORS.

Respondent(s)

(for modification of court's order dated 06.10.2015 and office  
report)

WITH

I.A. No. 2 in SLP(C) No. 28714/2015

(With appln.(s) for directions and Interim Relief and Office  
Report)

Date : 12/07/2016 This application was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) MR. Basava Prabhu S.Patil, Sr. Adv.  
Mr. Sunny Choudhary, Adv.  
Ms. Aprksha Sharan, Adv.

Mr. Naresh Kaushik, Adv.  
Mr. Avrdhman Kaushik, Adv.  
Mr. Nishant Gautam, Adv.  
Mrs Lalita Kaushik, Adv.

For Respondent(s)

Mr. Avijit Bhattacharjee, Adv.  
Ms. Upma Shrivastava, Adv.  
Mr. Ajoy Ghosh, Adv.

Mr. A.Rohen Singh, Adv.  
Mr. Ahanthem Henry, Adv.  
Mr. Rajiv Mehta, Adv.  
Mr. Rishi Matoliya, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The High Court of Meghalaya at Shillong has in terms of the order impugned in this petition directed sealing and demolition of certain buildings found to be in violation of the relevant by-laws. In I.A No. 3 of 2016 filed on behalf of Mentok Ri Projects Pvt. Ltd, it is inter alia stated that while the said applicant had constructed six blocks of multi storied buildings marked A to F, the High Court has not based on the available material found any violations having being committed in relation to blocks E and F. It is submitted that the sealing of blocks E and F is therefore unjustified and the buildings deserved to be de-sealed to enable the applicant to make gainful use of the same.

Having heard learned counsel for the applicant who has taken us through the records, we are of the view that instead of this Court examining whether Blocks E and F also suffer from any violation as noticed in relation to other four blocks constructed by the applicant, it would be more appropriate if we permit the applicant to move the High Court for an appropriate direction in relation to the said two blocks. In case the High Court comes to the conclusion that no violation in relation to Blocks E and F have been reported, it shall be free to pass appropriate orders in accordance with law for de-sealing of the said blocks. I.A. No. 3 is with that observation disposed off.

I.A. No. 2 in SLP(C) No. 28714 of 2015:

I.A. No. 2 is filed by Nilesh Tibrewalla in which it is inter alia alleged that the applicant has stored certain furniture which is his stock in trade at the ground and second floor of the building constructed by him but sealed under the orders of the High Court. It is submitted that the stock so sealed along with building values around Rs. 30,00,000/- and is likely to be stolen/damaged on account of the continued sealing of the premises.

Mr. Naresh Kaushik, learned counsel for the applicant therefore, prays that if this Court is not inclined to direct de-sealing of the premises to permit the applicant to use the same, the least the Court ought to do is to allow the applicant to remove the stock stored in the said building.

Learned counsel for MUDA however submits that according to his instructions no commercial stock of furniture as alleged is stored in any part of the building and all that is lying inside the building is some construction material. He submits that even so, the MUDA will have no objection to de-sealing of the premises for removal of any such furniture stocks from the same by the applicant.

In the circumstances, therefore, and without going into the question whether any and, if so, what is the extent of stocks lying inside the building, we direct MUDA to de-seal the premises and permit the applicant to removal all the furniture stock lying inside the building. The inventory of the stocks removed by the

applicant shall also be maintained by MUDA. The removal of the stocks shall be completed within one week from the date the building is de-sealed. The removal shall be carried out under the direct supervision of an Officer nominated for the purpose who shall ensure that the building is re-sealed after the stocks are removed. We make it clear that this order is limited to the removal of the furnished stocks lying inside the sealed building and no part of any construction or other material stored inside in any part of the building shall be touched by the applicant.

I.A. No. 2 is accordingly allowed and disposed off.

(Shashi Sareen)  
AR-cum-PS

(Veena Khera)  
Court Master