

J.P. RAVIDAS AND ORS.
v.
NAVYUVAK HARIJAN UTHAPAN
MULTI UNIT INDUSTRIAL CO-OP.
SOCIETY LTD. AND ORS.

JULY 7, 1997

[K. RAMASWAMY AND D.P. WADHWA, JJ.]

Co-operative Society—Government land—Allotment of—Non-Dalit members allotted flats by the builder—Violative of and contrary to regulations—Ejection ordered—All the 40 non-Dalit members to be ejected and in their place 40 Dalits to be allotted flats—Employees of Municipal Corporation allotted flats as per reservation in the Regulations—Registrar of Cooperative Societies to look into the extent of such allotment and determination, regularise such allotments.

J.P. Ravidas & Ors. v. Navyuvak Harijan Uthapan Multi Unit Industrial Cooperative Societies Ltd. & Ors., [1996] 9 SCC 800, referred to.

CIVIL APPELLATE JURISDICTION : I.a. No. 4.

IN

Civil Appeal No. 7745 of 1996.

From the Judgment and Order dated 8.11.93 of the Bombay High Court in A. No. 790 of 1993.

R.B. Masodkar and Ms. Vrinda Dhar, for the Appellants.

A.K. Srivastava, for the Respondents.

Harish Salve, A.M. Khanwilkar, Ms. V.D. Khanna and Ms. A.P. Mayee for the Applicants.

The following Order of the Court was delivered :

Pursuant to the directions issued by this Court on April 12, 1996 in *J.P. Ravidas and Ors. v. Navyuvak Harijan Uthapan Multi Unit Industrial Cooperative Societies Ltd. & Ors.*, [1996] 9 SCC 800, the Registrar of the

A Cooperative Societies made an enquiry into the eligibility of persons to whom the allotments have been made by the builder in contravention of the original directions issued by the Government while allotting the Government land. It is clearly established from the report that the builder has grossly violated the regulation of allotment of the flats to the non-Dalit members. The ultimate finding recorded by the Registrar is that 40 non-dalit members are in possession of the flats contrary to the regulations and accordingly he directed the Administrator to eject those persons and allot these flats to the Dalit members in accordance therewith. We find that the report is correct. According to Shri Harish Salve, learned counsel for the employees of the Municipal Corporation, they are entitled to allotment as per the reservation under the Regulation of allotment of the flats in the building constructed by the Society. The Registrar is not right in cancelling these allotments. Shri R.B. Masodkar, learned counsel for the State, in fairness, has stated that the view taken by the Registrar is not correct to the extent of the proportion of the reservation as per the Regulation. It should be determined by the Registrar and to that extent the allotment made to the Corporation's employees is directed to be regularised. This is out of general category. The 40 non-dalits allottees will go. As regards the Dalit members, the direction given is perfectly valid and warrants no interference.

E An application for clarification has been filed by the Society stating that the management has not handed over the possession of the flats to the appellants; instead the Administrator has been appointed.

F In view of these facts and circumstances, we direct that the administrator should take necessary steps to have all these 40 persons named in the report of the Registrar ejected. 40 Dalit eligible members should be admitted and flats allotted to them. Thereafter, he is directed to hand over the management to the Navyuvak Harijan Uthapan Multi Unit Industrial Coop. Society. The application is accordingly disposed of.

G The Registrar of the Cooperative Society is directed to oversee the actions taken by the Administrator in ejecting the persons in possession; in allotting 40 flats to the Dalits members; in collecting the amount from them and handing over the amount to the non-dalits who are dispossessed from the building.