

VERDICTUM.IN

ITEM NO.44

COURT NO.4

SECTION IX

S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL)..... Diary No(s).36435/2024

(Arising out of impugned final judgment and order dated 08-08-2024 in WP No.3969/2021 passed by the High Court of Judicature At Bombay)

SAVITA RASIKLAL MANDAN & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 09-09-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Ms. Aastha Mehta, Adv.
Mr. Jawahar P. Purohit, Adv.
Ms. Deepanwita Priyanka, AOR
Ms. Prerana Mohapatra, Adv.

For Respondent(s) Mr. Shashwat Parihar, Adv.
Mr. Shreekant Neelappa Terdal, AOR

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

1. We are observing for a fairly long time that parties take full liberty in placing on record black and white photocopies of photographs, mostly which are blurred. The Registry is directed not to entertain hitherto any black and white photographs without prior permission of the Court.

2. In compliance of our order dated 14.08.2024, the Collector & District Magistrate, Diu has filed an affidavit but, with a disclaimer. The affidavit says that the averments regarding measurement etc. are "certified by the Government Engineers and based on their professional assessment.....". Paragraph 8 of the

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affidavit further says that the measurement and certification "are true and correct to the best of my knowledge, information, and belief". In sum and substance, the Collector has relied upon the very measurements which were already communicated to the petitioners and duly considered by us while passing the order dated 14.08.2024.

3. Be that as it may, the petitioners have filed a compliance affidavit, responding to the averments made by the Collector in his affidavit. The petitioners have relied upon the measurements carried out by a team of experts from Sardar Vallabhbhai National Institute of Technology at Surat. As per that report, the plinth area of the apartment offered to the petitioners is not 50 sq. ft. Further, while the Collector claims that all the civic amenities are provided, the first petitioner has stated on oath that the required basic amenities are conspicuously missing.

4. We find some merit in the affidavit filed by the petitioners, in comparison to the guarded averments made by the Collector, who relied upon the same team of Government Engineers, who are bent upon to justify the size of the offered apartment as per their previous report. As of now, we are inclined to give more credence to the report submitted by the experts of Sardar Vallabhbhai National Institute of Technology at Surat.

5. However, instead of taking any final opinion on the matter, we deem it appropriate to constitute a joint team comprising:-

(i) Dr. Atul K. Desai from Sardar Vallabhbhai National Institute of Technology at Surat and;

(ii) Two Government Engineers, who were part of the team deputed by

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the Collector to carry out the measurement work.

6. The joint team shall carry out fresh measurements, which will be duly video-graphed.

7. Dr. Atul K. Desai will be entitled to the honorarium for his earlier visit as well as the fresh visit to be undertaken by him. The Collector, Diu is directed to reimburse the honorarium/travelling charges to Dr. Atul K. Desai.

8. The joint team will certify the amenities available and functional in the apartment offered to the petitioners.

9. Post the matter on 30.09.2024.

10. Interim directions to continue.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR