

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. OF 2025
(@ Special Leave Petition (C) Nos. 30051-30053/2024)

THE CORPORATION OF THE CITY OF PANAJI ...APPELLANT(S)

VERSUS

MUSHTAK HUSSAIN KHATIB & ORS. ETC. ...RESPONDENT(S)

O R D E R

Leave granted.

2. Being aggrieved by the judgment dated 16.10.2024 passed by the Division Bench of the High Court of Bombay at Goa in W.P. Nos. 2097/2024, 2163/2024 and 2164/2024, the Corporation of the city of Panaji has filed these appeals.

3. These appeals have been heard and considered on several dates.

4. Learned senior counsel Shri Ranjit Kumar appearing for the appellant/Corporation submitted that the Corporation is aggrieved by what has been stated in paragraphs 18 to 26 of the impugned judgment inasmuch as the High Court has directed that a Scheme has to be framed

by the appellant/Corporation in order to ensure its obligations towards the lessees of the Corporation. That the lessees have been directed to be accommodated even though the neighbouring building where they were conducting their trade (essentially the fish and meat vendors) was dilapidated and has to be demolished by the Corporation. As a result the place of trade could not be continued by the respondents.

5. Learned senior counsel submitted that the direction to frame a Scheme issued to the appellant/Corporation is actually beyond the scope of the jurisdiction exercised by the High Court under Article 226 of the Constitution. He therefore, submitted that the impugned directions may be set aside and the Resolutions passed by the Corporation may be given effect to in the instant case insofar as the six respondents/meat vendors are concerned as the fish vendors have been already accommodated. In this regard, learned senior counsel submitted that earlier there was a Resolutions dated 15.01.2025, the operative portion of the Resolution reads as under -

"After discussion the Corporation resolved to allow the 6 meat vendors to sell their meat in the same manner as the fish vendors in the shed which is being constructed for the fish vendors on payment of daily sopo."

6. In furtherance of the said Resolution, one more Resolution was passed on 24.01.2025, the operative portion of which reads as under -

"Shri Sanjeev Shamsundar Naik, Dy. Mayor, proposed that the meat vendors be allowed to sell meat at the south east corner of the shed which is being constructed for the fish vendors as per the sketch prepared by the technical section. After discussion, the Corporation unanimously resolved that the 6 meat vendors may procure meat from licenced/state approved abattoirs and sell the pre-cut meat in the south east corner of the shed which is being constructed for the fish vendors in the same manner as the fish vendors on payment of daily sopo."

7. Learned senior counsel for the appellant submitted that insofar as the representations of Shri Ladhu alias Sidharth C. Kerkar and Smt. Swati Dayanand Amonkar as well as that of Shri Govind M. Salkar (respondents herein) are concerned, those representations have been rejected and therefore, it is impossible to accommodate these respondents either in the place where they originally conducted their business or any other alternative place. Therefore, it was submitted that the impugned directions may be set aside and on the basis of the Resolution dated 24.01.2025 passed by the appellant/Corporation relief may be granted to only six respondents/six meat vendors and accordingly orders may be made insofar as the other three respondents, referred to above are concerned.

8. In response to this submission, learned senior counsel, Shri ANS Nadkarni appearing for six meat vendors submitted that the said respondents are agreeable to the space allotted to them by the appellant/Corporation. However, permission may be granted to the said respondents/meat vendors to fortify their business by

making arrangements regarding installation of deep freezers, refrigerators and for the purpose of cutting of meat etc. as demanded by the respective customers and further by way of temporary arrangements permission may be granted for installing temporary shutters for the shops having regard to the fact that electronic equipment and other apparatus and equipment necessary for the conduct of their business are being retained in the said premises and for their safety and security. It was further submitted that adequate water and electricity supply may be provided for the smooth conduct of their business.

9. Learned senior counsel Shri Santosh Paul appearing for the respondents-Shri Ladhu alias Sidharth C. Kerkar and Smt. Swati Dayanand Amonkar submitted that they are also entitled to the same relief(s) which the six meat vendors have been granted by this Court in the very same place inasmuch as their business is ancillary and incidental to the meat and fish vendors as their customers, would ultimately visit the area for their purchases and it would be convenient for them to buy the products which the said respondents sell as part of their business activity. It was urged that similar orders may be made insofar as these respondents are concerned in the very same location.

10. Further, learned counsel appearing for Shri Govind M. Salkar/respondent submitted that the said respondent is

engaged in jewelery business in the name and style of 'Salkar Jewellers'; that the said respondent has a trade licence and was also given an allotment of shop in the very same municipal market building and now that the said building has been demolished, the right of the said lessee would nevertheless survive and therefore a direction may be issued to the appellant/Corporation to make available an alternative shop premises to the said respondent also.

11. By way of response, learned senior counsel for the appellant/Corporation submitted that by Resolution dated 24.01.2025, the representations made by Shri Ladhu alias Sidharth C. Kerkar, Smt. Swati D. Amonkar and Shri Govind Mahadev Salkar have been rejected. In the circumstances, neither the directions issued by the High Court nor the plea made by them for grant of an alternative premises for the purpose of continuing their business activity either in the very same location, where the demolition of the building has taken place or in any other alternate premises cannot be granted. In the circumstances, appropriate orders may be made.

12. We have recorded in detail the submissions made by learned senior counsel for the respective parties. We find that owing to dilapidation, the appellant/Corporation had to take a decision to ultimately demolish the Municipal Corporation market building. However, after clearing the debris, it was found that for the sake of

convenience of the public, it was necessary that both the fish as well as meat vendors have a temporary accommodation in the space adjacent to the erstwhile market building, which was demolished for conducting their business.

13. In this regard, we have noted the submission of learned senior counsel, Shri Ranjit Kumar who has drawn our attention to the Resolution of the appellant/Corporation dated 24.01.2025 above. It is discerned from the said Resolutions that the appellant/Corporation has agreed to accommodate the six respondents/meat vendors purely on a temporary basis in the South East portion of the shed, which is being constructed for the fish vendors. A copy of the said diagram has also been submitted to the Court during the course of submissions. The six meat vendors/respondents are agreeable to be accommodated in the said space purely on a temporary basis for the purpose of continuation of their business activity in the said place and with the minimum facilities that are required for the said purpose. Therefore, the appellant/Corporation shall permit these six meat vendors to have the facility of refrigeration and to maintain their apparatus and equipment for the purpose of vending meat in the said space and on mutual adjustment basis by them within the said space.

14. For the sake of safety of their equipment,

permission has to be granted to use lock and key to the temporary shutters. It is needles to observe that the same is only for the purpose of continuing their business in the said space wholly on a temporary basis without creating any right whatsoever in favour of the said respondents vis-à-vis the space allotted to them.

15. As far as other three persons referred to above are concerned, it is noted that by Resolution dated 24.01.2025, their representations have been rejected. In the circumstances, without making any observation with regard to their right, title and interest and contentions in the matter we reserve liberty to those persons to assail the rejection of their representations in accordance with law having regard to the observations made in paragraph 20 of the impugned judgment.

16. The respondents-meat vendors are also at liberty to make their claims in accordance with paragraph 20 of the impugned judgment if so advised.

17. We again clarify that the arrangement(s) being made for the purpose of six meat vendors/respondents is purely on a temporary basis without any right, title and interest in respect of the said allotted potion being created in favour of them.

18. Consequently, the directions issued in paragraph

18 onwards except paragraph 20 of the impugned judgment with regard to framing of a Scheme insofar as these respondents are concerned and the other ancillary and incidental directions issued in that regard are set aside.

19. The appeals are allowed in part in the aforesaid terms.

Pending application(s) shall stand disposed of.

.....J.
[B.V. NAGARATHNA]

.....J.
[SATISH CHANDRA SHARMA]

NEW DELHI
JANUARY 28, 2025

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

Petition(s) for Special Leave to Appeal (C) Nos. 30051-30053/2024

[Arising out of impugned final judgment and order dated 16-10-2024 in WP No. 2097/2024 16-10-2024 in WP No. 2163/2024 16-10-2024 in WP No. 2164/2024 passed by the High Court of Judicature at Bombay at Goa]

THE CORPORATION OF THE CITY OF PANAJI

Petitioner(s)

VERSUS

MUSHTAK HUSSAIN KHATIB & ORS. ETC.

Respondent(s)

FOR ADMISSION and I.R. and IA No.290813/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.290812/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 28-01-2025 These petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) :Mr. Ranjit Kumar, Sr. Adv.
Mr. Coelho Pereira, Sr. Adv.
Mr. Mohit Paul, AOR
Mr. Ayush Agrawal, Adv.
Mr. Vikrant Singh Bloria, Adv.
Mr. Sushant Tomar, Adv.
Mr. Vilas Pavithran, Adv.
Mr. Vledson Braganza, Adv.
Ms. Rangoli Seth, Adv.
Ms. Sanjleena Lal, Adv.
Mr. Rohit, Adv.

For Respondent(s) :Mr. Santosh Paul, Sr. Adv.
Mr. Abhay Nachinolkar, Adv.
Mr. Sriharsh Nahush Bundela, AOR

Mr. Atmaram N. S. Nadkarni, Sr. Adv.
Mr. Sanobar Ali Qureshi, Adv.
Mr. Rohit Braz Das, Adv.
Mr. S.S. Rebello, Adv.
Ms. Kritika, Adv.
Ms. Deepti Arya, Adv.
Ms. Arzu Paul, Adv.
Ms. Manisha Gupta, Adv.

Ms. Himanshi Nagpal, Adv.
Mr. Neeraj Kumar, Adv.
Mr. Sheob Alam, Adv.
Mr. Mohd. Qasim, Adv.
Mr. Irshad Ahmad, AOR

Ms. Komal Mundhra, AOR
Mr. Ravi Sehgal, Adv.
Mr. Aniket Bhattacharyya, Adv.
Mr. Saurabh Agrawal, Adv.
Mr. Shantanu Singh, Adv.
Mr. Amit Kabadi, Adv.

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

Leave granted.

The appeals are allowed in part in terms of the
signed order.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)

(Signed order is placed on the file)