

THE HIGH COURT OF MADHYA PRADESH**M.Cr.C. No.2211/2021**

(Kailash Mandpe Vs. State of M.P.)

Indore, Dated: 15/03/2021

Shri V.K. Jain, learned senior advocate with Shri Atul Kumar Gupta, learned counsel for the applicant.

Ms. Archana Kher, learned Dy. Advocate General, for the respondent/State.

Shri Amit Dubey, learned counsel for the objector.

Shri Amit Tolani previous SIT Chief, Shri Shashikant Kankane, present SIT Chief along with Shri Sanjay Sharma, T.I., Shri B.S. Sikarwar, S.I. and Shri Pankaj Ojha, Constable are present.

Shri Harman Singh Hora and Shri Taranjeet Singh Hora, the Directors of T.D.S. Infra are also present.

Shri Vijay Manikram Gautam, the Director of Phoenix Infra Estate International Pvt. Ltd. with Shri Sudhir Gudhe.

During the course of argument, Shri V.K. Jain, learned senior advocate, on instructions, submits that all possible endeavour shall be made for settlement of claims of allottees who have paid the amount and still plots have not been transferred by way of registered instrument. There is no cavil of doubt between the parties that total number of plots are 268 in an area admeasured 1,90,200 sq. ft. known as Vidhya Vihar Colony. By way of registered instruments, plots have been transferred to 153 allottees.

Shri V.K. Jain, learned counsel on instructions further submits that 34

sale deeds have been executed in respect of 34 allottees, details whereof has been handed over to Shri Tolani for verification as so far the SIT was not handed over the aforesaid docket of 34 allottees. Shri Jain also submits on instructions that sale deeds shall be executed for 17 more allottees. As such, the total number of sale deeds shall be 153+34+17 and total area of plots shall be 1 Lakh 50 Thousand sq. ft. approximately. The remaining area shall be 40,000 sq. ft. approximately.

Shri Amit Tolani previous SIT Chief, Shri Shashikant Kankane, present SIT Chief seeks time to verify the aforesaid facts and figures.

At this stage, Shri Tolani has pointed out that there are many allottees including 17 referred above who have deposited the amount about 10 years ago and still have been denied the transfer of plots for utilization. Therefore, this Court may consider payment of interest over the amount of consideration for transfer of plots paid long ago. This argument shall be considered on the next date of hearing.

At this stage, pending disposal the instant application, it is hereby directed that:-

- 1] Upon physical verification of 17 allottees, the necessary steps shall be taken in consultation with the Registrar Stamps for preparation of sale deeds by such allottees and uploading thereof. This exercise be completed by Shri Shashikant Kankane, present SIT Chief within 3 days.
- 2] Thereafter the present SIT Chief shall coordinate with the concerned Registrar Stamps for fixing the date of execution of sale deeds on any date on the following 3 days.
- 3] On the date so fixed, the SIT Chief shall coordinate with the jail Superintendent, Depalpur Jail for taking the applicant Kailash Mandpe

in police custody to the Registrar's office where all such verified 17 allottees with their respective witnesses shall remain present.

- 4] After execution of the sale deed, applicant Kailash Mandpe shall be sent back to the jail. Possession letters, if required, shall also be signed by the applicant Kailash Mandpe.
- 5] Physical possession of respective plots shall be delivered to such 17 allottees.
- 6] Shri Gautam, the Director of Phoenix Infra Estate International shall also remain present in the Registrar's office to sign the documents as witness to the sale deed being Director of promoter company.

Call out on **24/03/2021**.

Ms. Archana Kher, learned Dy. Advocate General is directed to ensure unhindered compliance of the order passed today by coordinating among all concerned officials.

Shri Shashikant Kankane, present SIT Chief along with Shri Sanjay Sharma, T.I., Shri B.S. Sikarwar, S.I. and Shri Pankaj Ojha, Constable, Shri Harman Singh Hora and Shri Taranjeet Singh Hora, the Directors of T.D.S. Infra and Shri Vijay Manikram Gautam, the Director of Phoenix Infra Estate International Pvt. Ltd. shall remain present on the next date of hearing.

C.c. today.

(Rohit Arya)
Judge

krjoshi