

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. OF 2026
(Arising out of SLP(C) No.33897/2026)

RAJASTHAN HOUSING BOARD & ANR.

APPELLANT(S)

VERSUS

SAGAR MAL HANDALA & ANR.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. We have heard Shri Tushar Mehta, learned Solicitor General of India on behalf of appellant - Rajasthan Housing Board and Shri Ranjit Kumar, learned Senior Counsel, along with Shri Shivam Singh, learned Counsel, on behalf of contesting respondent No. 1, who is on caveat.

3. It seems to us that the material relating to the subsequent auction of adjacent commercial Plot No. 27 on 25.01.2023 was not brought on record before High Court. Furthermore, the validity of *ex-post facto* ratification by the Housing Board of the Chairman's decision requires fresh consideration by the High Court. Similarly, there may be other contentions that respondent no.1, the highest bidder, may wish to raise, including the plea based upon Swiss challenge.

4. Instead of expressing any opinion on merits of these contentions, we deem it appropriate to remand the case to the Division Bench of the High Court.

5. Consequently, the appeal is allowed in part. The impugned judgment dated 28.07.2026 is set aside, and the Intra-Court Appeal bearing D.B. Special Appeal Writ No.760/2026 is restored to its original number and file. We request the Division Bench, presided over by the Chief Justice of the High Court, to decide the appeal afresh at the earliest, preferably within three months.

6. During the pendency of the appeal, *status quo* in respect of Commercial Plot No.26 shall be maintained.

7. All contentions of the parties are kept open, which shall be considered by the High Court.

8. The parties are directed to appear before the
Division Bench of the High Court on 16.10.2026.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

.....J.
(V. MOHANA)

NEW DELHI;
OCTOBER 09, 2026

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) No(s).33897/2026

[Arising out of impugned final judgment and order dated 28-07-2026 in DBSAW No.760/2026 passed by the High Court of Judicature for Rajasthan at Jaipur]

RAJASTHAN HOUSING BOARD & ANR.

Petitioner(s)

VERSUS

SAGAR MAL HANDALA & ANR.

Respondent(s)

IA No. 292829/2026 - EXEMPTION FROM FILING O.T.

Date : 09-10-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) :Mr. Tushar Mehta, SG
Mr. Anuj Bhandari, Adv.
Ms. Jahanvi Bhardwaj, Adv.
Ms. Ishu Bharadwaj, Adv.
Mr. Anuj Bhandari- 2175, AOR

For Respondent(s) :Mr. Ranjit Kumar, Sr. Adv.
Mr. Shivam Singh, Adv.
Mr. Divyansh Mishra, Adv.
Mr. Yoshit Jain, Adv.
Mr. Prakhar Gupta, Adv.
Mr. Gopal Singh- 211, AOR
Ms. T. Geetha, Adv.

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

1. Leave granted.
2. The appeal is allowed in part in terms of the signed order.
3. Pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(signed order is placed on the file)

(PREETHI DILEEP KUMAR)
DY. REGISTRAR