

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 (Civil) No.1013/2001

(From the judgement and order dated 12/01/2001 in CMWP 1457/2001
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

M/S. COX & KINGS (INDIA) LTD.

Petitioner (s)

VERSUS

MELA ADHIKARI KUMBH MELA & ANR.

Respondent (s)

WITH SLP(C) 1164/2001

(With appln. (s) for exemption from filing c/c of the impugned
judgment and permission to file addl. documents)
(With prayer for interim relief)

Date : 16/01/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Petitioner (s) Mr. Anil B. Diwan, Sr. Adv.
in SLP(C) 1013/01 Mr. Sudhir Chandra, Sr. Adv.
 Mr. E.C. Agrawala, Adv.
 Mr. Rishi Agrawala, Adv.
 Mr. Mahesh Agrawal, Adv.

in SLP(C) 1164/01 Mr. Gaurab Banerjee, Adv.
 Mr. R. Karanjawala, Adv.
 Ms. Ruby Ahuja, Adv.
 Ms. Nandini Gore, Adv.
 Mrs. Manik Karanjawal, Adv.

For Respondent (s) Mr. R.P. Goel, AG for State of U.P.
in SLP(C) 1013/01 Mr. Subodh Markandeya, Sr. Adv.
 Mr. Anupam Tyagi, Adv.
 Mrs. Chitra Markandeya, Adv

in SLP(C) 1164/01 Mr. Subodh Markandeya, Sr. Adv.
 Mr. Anupam Tyagi, Adv.
 Mrs. Chitra Markandeya, Adv

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UPON being mentioned, the Court made the following
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Upon Motion taken on Board.

In view of what has transpired in this Court, we are relieved of the necessity of recalling detailed facts leading to the filing of these petitions. The petitioners were allotted land at Kumbh Mela site for setting up tented accommodation and they did set up such tents. The principal grievance projected before us on behalf of the petitioners, in both these special leave petitions, is that the allotment made to them for setting up tented accommodations in Allahabad during the Mahakumbh Mela, has been cancelled without putting them on notice and without affording them any opportunity of hearing and the principles of natural justice have been violated.

The learned Advocate General for the State of Uttar Pradesh is present in Court and submits that the order of cancellation was made in view of some law and order situation developing at the site, but in his usual fairness he submits, that the Divisional Commissioner, Allahabad shall hear the petitioners on 18th January, 2001 in the matter of cancellation of their allotment and thereafter pass appropriate orders and till then the order of cancellation of allotments shall not be implemented.

Learned counsel for the parties agree that these special leave petitions may be treated as objections to the order of cancellation of allotment, by the learned Divisional Commissioner. A complete set of paper-books of the special leave petition as ...3/-

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also any other additional affidavit, shall be furnished by learned counsel for the petitioners to Ms. Chitra Markandeya, learned standing counsel for the State of Uttar Pradesh in Court today so that the same are considered by the Divisional Commissioner as objections/representations against cancellation of allotment.

The petitioners shall appear before the Divisional Commissioner, at his office at Chaitham Lines, Allahabad on 18th January, 2001 at 10.00 a.m. The Divisional Commissioner shall pass appropriate orders after hearing the parties or their counsel. No separate notice would be required to be given to the petitioners for hearing on 18th January, 2001 by the Divisional Commissioner and in the event the petitioners or any one of them is not present before the learned Divisional Commissioner, Allahabad on 18th January, 2001 at 10.00 a.m. or on any other date to be fixed by him for the purpose, to make submissions, it shall be open to the Divisional Commissioner to pass appropriate orders in their absence. The Divisional Commissioner shall pass appropriate orders on merit uninfluenced by any observations made by the Division Bench of the High Court on 12th January, 2001.

Till the matter comes up before the Divisional Commissioner, Allahabad, on 18th January, 2001 the order of cancellation of allotment passed by the Mela Officer on 10th January, 2001 shall not be implemented and would remain in abeyance.

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We clarify that our order shall not be construed as any expression of opinion on the merits of the case.

With the aforesaid observations, both the special leave petitions are disposed of.

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(Ajay Kr.Jain)
Court Master

(Prem Prakash)
Court Master

(Copy of the order be given today itself)