

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(s).7950/2005

(From the judgement and order dated 15/03/2005 in CML(PIL)WP No. 2547/2005 of  
The HIGH COURT OF JUDICATURE AT ALLAHABAD)

NAGAR NIGAM,ALLAHABAD

Petitioner(s)

VERSUS

ANAND MOHAN & ORS.

Respondent(s)

(With appln(s) for permission to file addl. documents and permission  
to place additional documents on record and prayer for interim relief  
and office report )

WITH

SLP(C) NO. 17999 of 2005 (With prayer for interim relief and office report)

Date: 24/10/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE G.P. MATHUR

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr. T.N. Singh,Adv.

Mr. V.K. Singh, Adv.

For Respondent(s)

Mr. A.K. Mishra, Adv.

Mr. Krishan Kumar Mishra, Adv.

Mr. Iftexhar Ahmad, Adv.

Ms. Abhilasha, Adv

Ms. Poetimi Basu, Adv.

Mr. Abhishek Agarwal, adv.

Mr. Sudhir Nandrajog,Adv.

Mr. Nitin Jain, Adv.

Mr. Some Narayan Mishra, Adv.

Mr. Sunil Kumar Jain, Adv.

Mr. Sudarshan Rajan, Adv.

Mr. P. Narasimhan, Adv.

UPON hearing counsel the Court made the following

O R D E R

SLP(C) No. 7950/2005 & SLP(C) No. 17999/2005

These two special leave petitions filed by the Nagar Nigam, Allahabad are directed against

orders dated 15.03.2005 and 07.07.2005 respectively.

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Having perused the several orders passed by the High Court, copies whereof have been

brought on record, we find that the High Court has entertained the writ petitions in the nature of

public interest litigations. The High Court is passing successive orders in the interest of removing

encroachments and congestion from public roads, streets and areas meant for the use of the general

public in the interest of protecting the fundamental rights of the citizens, in particular, residents of the

locality and restoring the public amenities and conveniences which are meant for them.

Having gone through the contents of the orders with the assistance of the learned counsel

for the petitioner, we are satisfied that none of the orders passed by the High Court is in conflict with

any statutory provision. However, it appears that there are several authorities involved, such as, State

Government, Municipal Corporation, Allahabad Development Authority, police department and their

officials. The grievance of the learned counsel for the petitioner is that the municipal corporation is

being directed to comply with many such directions which statutorily is not its obligation to do and the

obligation lies on other wings of governance. The other grievance raised by the learned counsel for the

petitioner is that some of the orders passed have practical difficulties in being complied with. Suffice it

to observe that, if that be so, the petitioner is always at liberty to invite the attention of the High Court

either by moving an appropriate application or by putting forth its submissions before the High Court

at the time of hearing. The learned counsel for the petitioner Nigam has also submitted that there are

financial difficulties which are being faced by the Nagar Nigam. The High Court had called for

suggestions from the Nagar Nigam, in the interest of augmenting its funds and resources and though

the Allahabad Nagar Nigam has responded, the High Court has not yet issued any specific directions

in that regard. The petitioner is still at liberty to invite the attention of the High Court and impress

upon the High Court the need for issuing suitable directions in that regard. We have no reason to

assume

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that the High Court would pass any such order as runs counter to any specific provision of law or is

not capable of being complied with. The petitions are still pending with the High Court and the High

Court is seized of the hearings and liberty is available to the petitioner to approach the High Court and

seek necessary directions or clarifications. Hence, we are not inclined to interfere with the orders

passed by the High Court impugned herein.

Needless to say, the High Court would afford reasonable opportunity of hearing to the

persons proceeded against or against whom directions are issued and would also take care to see that

the interests of adversely affected are protected to the extent permitted by law and we find that the

High Court has already taken care in that regard.

Subject to the abovesaid observations, the special leave petitions are dismissed.

(Ajay Kr. Jain)  
(Radha R. Bhatia)

Court Master  
Court Master