

2. The Municipal Council, Ajmer is the appellant before us. The Municipal council owns a property identified as Vijay Laxmi Park. It was being given on rent for marriages/social functions. The appellant invited tenders to run the facilities for marriages/social functions from private parties on "Build, Operate and Transfer basis" (BOT basis).

3. The appellant accepted the tender of one Shree Gupta Electricals on 2.2.2007 for consideration of Rs.4.4 lakhs per year subject to terms and conditions mentioned in the acceptance. It is stated that first respondent a

business rival of Shree Gupta Electricals filed a Public Interest Litigation challenging the allotment of Vijay

2

Laxmi Park for construction of a marriage complex and for a direction not to use the park for commercial activity.

On 15.5.2007, the High Court granted an interim order restraining the appellant from converting the Vijay Laxmi Park into a marriage/commercial complex. The said order

is challenged in this appeal by special leave. On 14.9.2007 while issuing notice, this Court granted an interim stay of the impugned interim order of the High Court.

4. As a consequence, we are informed that Municipal Council's contract with Shree Gupta Electricals is under operation. It is the contention of the appellant that

Vijay Laxmi Park was not really a park but really a property that was used for marriage and other social functions. It is submitted that the contract was in pursuance of a resolution of the Municipal council and in accordance with the provisions of Rajasthan Municipalities Act and the Central Government Scheme for support of Public-private partnerships in infrastructure. It is

submitted that during the pendency of this matter, the project has been completed and is hugely popular with the public and extensively used by the public.

It is stated

that the project does not cause any pollution. Several photographs have been produced to show

environmental

how the property has been converted and how it is being

3

used. Be that as it may.

5. On the facts and circumstances, and in view of the subsequent developments, the proper course is to dispose of this appeal by continuing the interim stay granted by this Court on 14.7.2007, with a request to the High Court to dispose of the writ petition on merit expeditiously.

5. Accordingly, this appeal is allowed. The interim order of the High Court is set aside. The High Court is requested to dispose of the writ petition expeditiously. Nothing stated herein shall be construed as approval of the contract or its terms, or as expression of any opinion on the merits of the case. This order is purely with reference to the interim relief.

.....J.
[R.V. RAVEENDRAN]

NEW DELHI
FEBRUARY 25, 2011

.....J.
[A.K. PATNAIK]