

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) No.18899 OF 2003

SHRI RAM LILA COMMITTEE (REGD.).....PETITIONER

Versus

LAV-KUSH RAMLILA COMMITTEE (REGD.) & ORS.....Respondents

O R D E R

This matter has been taken up during the Dussehra holidays in pursuance of the order of Hon'ble Chief Justice of India constituting this bench. This petition is against an order of interim relief passed by the Division Bench of Delhi High Court, on 25.9.2003. The case of petitioner is that it is running Ram Lila and the related functions in the Ram Lila ground for the last 70 years. The respondent here namely Lav-Kush Ram Lila Committee had been holding Ram Lila functions at a different place for the last few years. It is, however, stated by the learned counsel for the Lav-Kush Ram Lila Committee, Shri R.P. Bansal, that it was holding its functions for the last 20 years. This year, however, that area of land has not been made available, hence alternatively they have been allowed 2 acres of land out of the Ram Lila ground to hold their functions. The learned Single Judge, however, by its order dated 18.9.2003, did not interfere in the decision of the MCD where it was decided that it would not be feasible to have two functions on the same ground. The Division Bench, in an appeal against the aforesaid order, passed the impugned order. A perusal of the order shows that at some stage learned counsel appearing for the petitioner had also stated that the Ram Lila Committee shall have no objection to the allotment of 2 acres of land to Lav-Kush Ram Lila Committee in the Ram Lila ground. On behalf of the Police of Delhi also it was given out that it won't create any law and order problem. It, thereafter, appears that there was some confusion as to which part of the Ram Lila ground would be utilised by Lav-Kush Ram Lila Committee and in that connection some proceeding is said to have taken place, in the High Court on 26.9.2003 before the Division Bench around 4p.m. during which according to the petitioner they were not present nor informed and some order was passed behind their back which fact, however, is sought to be denied by the other sides. The counsel for the MCD, however, submits that he was present at the time of passing of order dated 26.9.2003. It was not placed on record but now it has been furnished to us. The order dated 26.9.2003 does not indicate that 2 acres of land on which side of the Ram Lila ground, is to be utilised by Lav-Kush Ram Lila Committee. It is sought to be impressed that during the discussions the Court orally told that it shall be on the Turkman Gate side, however, we do not find any such thing indicated in the order passed by the Bench on 26.9.2003.

On behalf of the petitioner what is vehemently pressed is that it has been holding its function for the last 70 years and the structure i.e. the rostrum which is built in the Ram Lila ground has been utilised by it for all these years and in case Turkman Gate side is allowed to be utilised by Lav-Kush Ram Lila Committee it would create a lot of confusion and the Ram Lila Committee, namely, the petitioner will be deprived of utilising the rostrum which shall also change the pattern of celebrations of the functions coming down since long. Learned counsel for the petitioner states that order was passed on 25.9.2003 by the authorities of the MCD saying that 2 acres of land in the Ram Lila ground towards Kamala Market (Ajmeri Gate side) was being made available to Lav-Kush Ram Lila Committee. This order is found quoted in one of the letters placed before us. Let it be placed on record. It is indicated in this letter that the order was communicated to the parties. Learned counsel appearing for the respondent-Lav-Kush Ram Lila Committee submits that this order was received by them, the next day, namely on 26.9.2003.

We are then informed that another order was issued by MCD on 26.9.2003 which is said to have been issued in pursuance of the order passed by the Division Bench on 26.9.2003 around 4 p.m. providing for utilisation of 2 acres on Turkman Gate side by Lav-Kush Ram Lila Committee. We, however, find that no such thing is provided in the order passed by the Division Bench on 26.9.2003 around 4 p.m. in which hearing, it is reiterated on behalf of the petitioner that they were not present since they were not informed about it.

Considering all the facts and circumstances as indicated above, we feel that the petitioner should be allowed to hold their functions in the manner as they have been holding for the last 70 years making use of the rostrum in the Ram Lila ground. We, therefore, further provide that the Lav-Kush Ram Lila Committee shall utilise 2 acres of land towards Kamala Market (Ajmeri Gate side). The Police of Delhi shall ensure maintenance of law and order. The special leave petition is disposed of accordingly.

.....J.
(BRIJESH KUMAR)

.....J.
(B.N. AGRAWAL)

NEW DELHI,
SEPTEMBER 29, 2003.

ITEM No.1

Court No. 2

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Special leave Petition (C) No.18899/2003

(From the Judgment and order dated 25.9.2003 passed in LPA No.686/2003 of the High Court of Delhi at New Delhi)

Shri Ram Lila committee (Regd.)

Petitioner (s)

VERSUS

Lav-Kush Ramlila Committee (Regd)

Respondent (s)

(with prayer for interim relief)

Date : 29/09/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE BRIJESH KUMAR
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. Kapil Sibal, Sr. Adv.
Mr. D.N. Dwivedi, Sr. Adv.
Mr. A. Maitri, Adv.
Mr. S.B. Lal, Adv.
Mr. Harsh Sharma, Adv.

For Respondent (s) Mr. R.P. Bansal, Sr. Adv.
R.1 Ms. Nidhi, Adv.
Mr. Ravinder Kumar, Adv.
Mr. Anand Baksh, Adv.

For Delhi Police Mrs. Anil Katiyar, Adv.
Mr. S. Wasim A. Qadri, Adv.

For MCD Mr. Vinay Sabharwal, Adv.
Mr. Arvind Kumar Sharma, Adv.
Mr. Praveen Swarup, Adv.

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

The special leave petition is disposed of in

terms of the signed order.

(PAWAN KUMAR) (S.K. DUDANI)

COURT MASTER DEPUTY REGISTRAR

(signed order is placed on the file)

Copy of this order be given to the counsel today itself.