
(2001) 09 RAJ CK 0079

In the Rajasthan High Court

Case No : Civil Writ Petition (PIL) No. 3371 of 1996

Dr. Anil Sharma

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 20-09-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 2002 Raj 328 : (2001) 4 RLW 421 : (2001) 4 WLC 4 : (2002) 5 WLN 387

Hon'ble Judges : A.R. Lakshmanan, C.J.;Asok Parihar, J

Bench : Division Bench

Advocate : Sanjiv Pandey and B.P. Agarwal, for the Appellant; S.M. Mehta, General, Sailesh Prakash and Bharat Vyas, for the Respondent

Judgement

Ar. Lakshmanan, C.J.—The petitioner, Dr. Anil Sharma, has filed the above writ petition as a Public Interest Litigation. According to him, the land donated by the erstwhile Ruler of Jaipur in favour of the Government of Rajasthan is not being used for the purpose for which the said land was gifted to the State. Being worried and horrified by the attitude of the State administration in misusing the land in question, the petitioner has filed the above writ petition claiming the following reliefs :

" 1. The State of Rajasthan and respondents must be ordered not to use the S. M. S. Stadium for activities other than sports and Independence Day Celebrations 1996 must be held at any other venue other than S.M.S. Stadium for which directions must be issued by the Hon"ble Court.

2. The Helipad constructed for VIP Landings -- which has been Illegally constructed by the State of Rajasthan must be ordered to be removed from the Stadium as it is dangerous to Sports persons and hindrance to their activity by the respondent JDA immediately.

3. The Rajasthan Sports Council must be ordered to work out time Schedule to

minimise closing of the Stadium for use of sports persons and not to work in office like fashion against the spirit of sports.

4. Planning and scheduling must be ordered to be done to use the facilities of the stadium for amateurs by the Rajasthan Sports Council to help persons to become good citizen of Jaipur by maximum use of Stadium than keeping the Stadium closed or out of bound for sportsmen and women for whom Stadium is like a temple."

2. A detailed reply to the writ petition was filed by the State Government denying misusing of the land in question. It is stated that the Sawai Man Singh Stadium is being used for Republic Day and Independence Day celebrations and the allegation that the Stadium is being used for administrative needs is based on misunderstanding of the petitioner. It is also stated that the Helipad was also constructed in a small portion of the Stadium situated in long corner and where no sports activities are carried on and as such. Helipad Is necessary with a view to provide for landing and taking off the Helicopters. It Is stated that the construction of the Helipad is at the instance of the Government to provide landing for national high dignitaries, such as, the President of India, Prime Minister, Governor, Chief Minister etc. and no hanger for the helicopters has been provided therein and no part of that place has been utilised for the purposes of sports activities.

3. It is also further stated in the reply that such activities are being carried on for the use of the Stadium by the sport persons. It is also denied that the Sawai Man Singh Stadium is the only sport centre for whole of the State of Rajasthan. There are several stadiums constructed and are being developed by the State Government in various towns of the State of Rajasthan and there is generally a Stadium at every District centre. Even in the city of Jaipur, there is another Stadium which is known by the name of Chaugan Stadium where various sports activities are being carried on every day.

4. A rejoinder has also been filed by the writ petitioner reiterating the contentions raised in the writ petition.

5. Our attention was also drawn to the various orders passed by this Court on earlier occasions. We have perused the photocopy of the Gift Deed dated 17-4-1960 signed by the then Maharaja Sawai Man Singh, the former Ruler of Jaipur, and by Vishnu Dutta Sharma, IAS, Secretary to the Government, on behalf of the Governor of Rajasthan. The deed has been attested by two witnesses of either side. It is seen from the deed that the land In question has been donated at the request of the donee, namely the State of Rajasthan, belonging to the donor excluding a strip of 100 yards deep opposite Rambagh Palace along with Bhawani Singh Road except a portion of 200 yards long in the centre of the said strip for the main entrance of the stadium, such excluded land being shown In red In the said plan, for the purpose of constructing a Stadium in the city of Jaipur on the conditions mentioned in the deed. The conditions are

reproduced as under :

" 1. In pursuance of the said agreement, the donor hereby transfers to the donee the said land to hold the same absolutely for ever subject to the conditions hereinafter contained.

2. The donee hereby covenants with the donor that he shall construct on the said land a Stadium which shall ever be named as The Sawai Man Singh Stadium".

3. The donee further covenants with the donor that the said land and the Stadium shall be used for the purposes associated with and allied to Sports and Games.

4. The stamp duty payable on this deed shall be borne by the Government of Rajasthan."

6. A close scrutiny of the conditions of the deed would show that the land has been transferred absolutely for ever to the State of Rajasthan by the former Ruler of the Jaipur and that the State of Rajasthan shall construct on the said land a Stadium which shall be named as Sawai Man Singh Stadium. The donee/ State of Rajasthan has further covenanted with the donor that the said land and the Stadium shall be used for the purposes associated with and allied to Sports and Games.

7. In our opinion, the submissions made by the learned counsel for the petitioner that the land should be utilised only for the purposes mentioned in the Gift Deed, merit acceptance. It is settled law that the parties to a contract or a deed are bound by the terms and conditions mentioned in the deed. The learned Advocate General in his reply has submitted that there is no intention on the part of the State of Rajasthan to utilise the land in question for any other purposes other than the purposes mentioned in the Gift Deed. However, the learned Advocate General submits that the State Government should also be permitted to celebrate the two national events, i.e. 15th August and 26th January, the Independence Day and the Republic Day, in the land in question. Such a request, in our opinion, is reasonable and in public interest.

8. Under these circumstances, the State Government is at liberty to celebrate these two national events and for holding functions on these days. As already noticed, the Helipad has already been constructed and the Helipad is in a small portion of the Stadium and that the same will be utilised for providing landing facilities to receive the national high dignitaries, such as the President of India, the Prime Minister of India, Governor, Chief Minister and other foreign dignitaries. Since the Helipad has already been constructed at the instance of the Government, we permit the Helipad to remain there in the same place and to be utilised for the purposes mentioned above. However, we make it clear that the land in question, including the Stadium, cannot be utilised for any other purposes other than the sports purposes and allied activities.

9. When the writ petition was pending, an application was moved by Sh. Govind

Prasad Arora, Rashtriya Swayam Sevak Sangh Chalak, Jaipur, seeking direction to permit the local unit of Rashtriya Swayam Sevak Sangh (RSS) to use the Sawai Man Singh Stadium for the purposes of holding congregation of Swayamsewaks and undertaking the various activities mentioned In the body of the application on the occasion of the visit of Param Pujanlya Sar-Sangh Chalak, Shri K.C. Sudershan on 13-10-2001 at Jaipur.

10. Now, since we are disposing of the main writ petition itself after hearing the respective parties, we do not propose to express our opinion on that application. The applicant is at liberty to move the State Government for the same purposes and on receipt of the application, if any moved by the applicant, the State Government shall pass appropriate order, after affording opportunity of hearing to the applicant or his counsel or his representative, within three days.

11. The writ petition stands disposed of in the manner stated above.