
(2011) 04 AHC CK 0150
In the Allahabad High Court
Case No : Writ C No. 18111 of 2011

Nagar Nigam and Another	Vs	APPELLANT
Addl. District and Session Judge and Others		RESPONDENT

Date of Decision : 04-04-2011

Acts Referred:

Citation : (2011) 04 AHC CK 0150

Hon'ble Judges : Rajes Kumar, J

Bench : Single Bench

Judgement

Rajes Kumar, J.—Heard Sri Pankaj Srivastava, learned Counsel for the Petitioners, Sri Ashok Kumar Pandey, learned Counsel appearing on behalf of Respondent Nos. 2 and 3 and learned Standing Counsel.

2. In Meerut, Nauchandi Mela is being organized annually since long. The dispute is continuing that whether the Nauchandi Mela is being organized by Nagar Nigam or Zila Panchayat. To settle the dispute, several writ petitions were filed and the matter has also been referred to the High Power Committee. State Government has also issued the notification in this regard. However, suit has been filed by the Petitioners for permanent injunction restraining the Zila Panchayat to hold Nauchandi Mela and directing Nagar Nigam to hold the Nauchandi Mela. The suit has been decreed. Against the said order, the appeal has been filed being appeal No. 123 of 2010 by Zila Panchayat along with application for the interim relief. On the application for the interim relief, impugned order dated 18.03.2011 has been passed, by which operation of the order dated 13.05.2010 passed by the trial court has been stayed and further direction has been issued directing the Nagar Nigam to hold Nauchandi Mela in accordance to the Government Order No. 1357/9-7-2001-131Writ-98-T.C. Lko, 31.032001 on alternate basis.

3. Learned Counsel for the Petitioners submitted that impugned order is not legally justified and the Nagar Nigam has only authority to organize the Nauchandi Mela. When the matter came up for consideration on 29.03.2011

learned Standing Counsel was asked to seek the instructions from Divisional Commissioner, Meerut that whether the Nauchandi Mela is being organized by Zila Panhayat or Nagar Nigam, Meerut. The matter was taken up on 01.04.2011 and on that date on the request of learned Standing Counsel the matter has been placed for today.

4. Learned Counsel for the Petitioners submitted that along with the appeal, the Respondents have moved stay application. On the said application, no order has been passed. The Respondents further moved another application for the interim relief. The appeal itself has been heard finally but instead of delivering the judgment, the present impugned order has been passed on the stay application.

5. Learned Standing Counsel has produced a letter written by Sri Subhash Chandra Sharma, District Magistrate, Meerut addressed to learned Standing Counsel wherein it is stated that this year Nauchandi Mela is being organized by Zila Panchayat and it was inaugurated on 27.03.2011 and on that date he himself was present. In view of the aforesaid letter, it would not be appropriate to interfere in the matter at this stage. However, on the facts and circumstances, the appellate court is directed to decide the appeal expeditiously, preferably within a period of three months from the date of presentation of the certified copy of this order after hearing all the parties concerned in accordance to law and resolve the dispute.

6. With the aforesaid observation, the writ petition stand disposed of.