

Raman Lamba Vs. Board of Control for Cricket in India and ors.

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Court : Delhi

Decided On : Dec-19-1991

Reported in : ILR1992Delhi1020

Judge : Mohd. Shamim, J.

Acts : [Code of Civil Procedure \(CPC\), 1908](#) - Order 39, Rule 1

Appeal No. : Interim Application Appeal No. 3794 of 1991 and Suit No. 1123 of 1991

Appellant : Raman Lamba

Respondent : Board of Control for Cricket in India and ors.

Advocate for Pet/Ap. : P.M. Lekhi,; Aman Lekhi,; P.P. Malhotra,;

Judgement :

Mohd. Shamim, J.

(1) This is an application under Order 39 Rules 1 and 2 read with Section 151, Civil Procedure Code . for issue of an ad-interim injunction restraining the defendants from acting on their letter dated 2nd March, 1991 whereby the plaintiff was debarred from playing cricket organized under the direct supervision of defendant No.1 in India till December 31,1991.

(2) The facts in the backdrop of the present petition are as under : that the plaintiff is a cricketer of repute. He has been playing cricket in Ranji Trophy and Duleep Trophy. He has also represented India in International Test Matches. Defendant No. 1 is a Society registered under the Societies Registration Act with its office in Bombay. It controls the game of cricket in India.

(3) Duleep Trophy final match was to be played at Jamshedpur during the period from 25th of January, 1991 to 29th January, 1991 in between West Zone and North Zone. The plaintiff was one of the players who represented North Zone Team. The plaintiff was one of the two opening Batsmen. He scored 180 runs. The North Zone Team scored a mammoth total of 729 runs for 9 wickets declared. The opposite team was very much upset and disturbed on the said score. The result was thus a forgone conclusion. The plaintiff again opened the 2nd innings for the North Zone Team. He had scored 26 runs in the said innings when he was begun to be pressurised with short pitch deliveries. The viciousness of the short pitch deliveries was much more this time than in the first innings. The deliberate efforts were made to cause injuries to his person. The West Zone Team this time instead of playing cricket started using the cricket ball as a missile to maim and hit the plaintiff. Kiran More who was officiating as the Captain of the opposite team in the absence of Shri Ravi Shastri shouted at Rashid Patel in Gujarati and from the manner in which the deliveries followed thereafter it was clear that the sole aim of the Bowler was hit the head of the plaintiff. Rashid Patel who was bowling also responded to Kiran More in Gujarati. It was unintelligible to the plaintiff as he did not understand Gujarati. However, he came to know later on that Rashid Patel informed his skipper Kiran More that the ball did not travel fast enough, whereupon Kiran More instructed Rashid Patel again in Gujarati to go beyond the bowling crease and hit the plaintiff. Rashid Patel complied with the instructions of his captain as a corollary whereof a tourney of violence was let loose with the ball as a weapon. Rashid Patel delivered at the plaintiff a ball from several yards ahead of the bowling crease. It was only the good luck of the plaintiff that he did not sustain any injury. Having been shocked at what was going on, the plaintiff rushed his arm and ran for protection in the direction of the Umpire and to make an appeal for a fair play. While he was running towards Umpire Ramaswamy he came face to face with Rashid Patel. The plaintiff asked Patel as to whether he wanted to kill him,

whereupon he replied in the affirmative. Meanwhile, Rashid Patel moved towards the Batting end and pulled out a stump and tried to hit the plaintiff with the same but he missed his aim and instead hit Ajay Jadeja who was standing by the side of the plaintiff. Ajay Jadeja being a Gujrati understood what Kiran More had said to Rashid Patel. He advised the plaintiff to run for safety as Rashid Patel was after him. However, there was no time to run away as the plaintiff was faced with imminent threat of being hit. The only course open to him was now to put his bat in front of him in order to ward off the imminent threat of injury to his person to be caused with the stump with a pointed end. Plaintiff also tried to retreat and run away but was chased by Rashid Patel with a stump in his hand. Ultimately, the Umpire Shri Ramasway and other West Zone Players came to his rescue.

(4) The incident received wide press coverage which is a valuable contemporary evidence of the incident. The secretary of the Defendant No. 1 vide a letter dated 12.2.1991 addressed to him accused him of mis-conduct and indiscipline. The plaintiff was informed that he had hot verbal exchanges with Rashid Patel and he waived his bat towards him in a threatening manner and gesticulated and uttered some words which provoked Rashid Patel who took out the stump and charged towards the plaintiff. The President of Defendant No. 1 constituted a Committee consisting of himself, M.A.K. Patandi and Raj Singh Dungarpur to conduct an enquiry in accordance with Rule 39 of the Rules and Regulations of the Board of Control for Cricket in India. The plaintiff in his reply dated 15th February, 1991 denied each and every allegations leveled against him. He also specifically mentioned in his reply that he would like to lead evidence in support of his defense and as such would like to examine Mr. Ajay Jadeja and the Manager of the North Zone Team Mr. Suresh Luthra. The plaintiff was informed that he could examine any witness on his behalf before the Special Committee on 25th February, 1991. The plaintiff appeared before the said Committee on the date fixed. However, he found that (he members of the Committee named above were sitting with their minds closed. He was not allowed to examine defense witnesses alluded to above whom he had brought Along with him. The plaintiff was asked to go out and only Ajay Jadeja was called in who remained with the members of the Committee behind the back and beyond his sight and hearing. Suresh Luthra was not even called in. It was a sheer mockery of justice and fair play. Plaintiff was served with

impugned order on 2.3.1991 whereby he was debarred from playing any cricket match organized under the direct supervision of the defendant No. 1 for the period ending 31st December, 1991. The said order is arbitrary, illegal, malafide and against the principles of natural justice. The plaintiff placed before the Committee the press reports. He had also produced Ajay Jadeja in his defense. The Committee, however, took no cognisance of the above said facts and the reports of the Umpire. The impugned order has inflicted irreparable damage and injury to the reputation of the plaintiff in the world of Cricket and has caused damage to his career as a Cricketer. The impugned order is actuated by malice and ill will in order to keep him away from World Cup Series scheduled to be played in Australia and New Zealand in 1991-92 and from going to Sharjah. The plaintiff was not given any opportunity to contradict any statement by the witnesses against him. It has thus been prayed, in view of the above, that the decision of the defendant Board debarring the plaintiff from playing any cricket match till December 31, 1991, conveyed to the plaintiff through their letter dated March 2, 1991, be declared as illegal, invalid and inoperative and the defendants be restrained from acting on the above said letter.

(5) The defendant in their reply have traversed all the above averments. The sheet-anchor of the defense version is that the bowlers in a game of cricket apply all permissible bowling tactics to get a batsman out and the plaintiff cannot have any grievance on the said score. The short-pitched deliveries were not liked by the plaintiff and he indulged in verbal exchanges with Rashid Patel. It is wrong and incorrect that any effort was made to injure the plaintiff. It is false and preposterous that Kiran More instructed Patel in Gujarati to go beyond the bowling crease and hit the plaintiff with the ball. It is also wrong that Patel did so at the instigation of Kiran More. The fact is that the Umpires reported to the Board that on the last day of the match Rashid Patel was operating from one end after-lunch and was bowling short pitched balls much to the disliking of the plaintiff. It led to the mild exchange of hot words. Rashid Patel delivered short pitched ball from 8' in front of Popping crease, the ball sailed over the plaintiff. It was declared a no-ball. The plaintiff used abusive language against Rashid Patel and had even waived his bat towards him which provoked Rashid Patel. However, the Umpire intervened in the matter. It is wrong and incorrect that plaintiff asked Rashid Patel if he wanted to kill

him and Rashid Patel had replied in the affirmative. The Umpire reported to the Board that while he was walking towards the Acting Captain he noticed that Raman Lamba provoked by bowler's action uttered some words and waived his bat towards the bowler in a threatening way whereupon Rashid Patel picked up the stump from the stiker's end and went after the plaintiff. Disciplinary proceedings were simultaneously held against both, i.e., the plaintiff and Rashid Patel. The Committee found Rashid Patel guilty of gross indiscipline and misconduct and he was debarred from playing cricket under the direct supervision of the Board till 31.3.1992. Whereas the plaintiff was debarred from playing cricket till 31st December, 1991. It is manifest from above that Rashid Patel was dealt with more harshly. Adequate opportunity not only to show cause but also to adduce evidence as desired was given. At no point of time the plaintiff informed the Special Committee that he intended to produce Mr. Suresh Luthra, Manager of the North Zone Team. It is false and preposterous that members of the committee were sitting with closed minds. The plaintiff himself at his own accord left the room when Mr. Ajay Jadeja was called in to adduce evidence in support of the plaintiff on the ground that Mr Jadeja be examined independently as to what happened on the field on the last day of the match. Shri Suresh Luthra was not called as a witness by the plaintiff. Thus, there was no question to examine him. The Committee orally communicated its decision to the plaintiff on 25.2.1991 and the plaintiff had even made his representation on 26.2.1991. Thus, it is wrong to allege that the plaintiff was only informed by the Committee with regard to its decision on 2.3.1991. The Committee took into consideration all the material facts including version of Ajay Jadeja and the press reports and the report of the Umpire before taking a decision.

(6) The rule of natural justice implies that the delinquent should be informed of the accusations leveled against him. He should be given an opportunity to state his case and the Tribunal should act in good faith. All the above formalities were fully complied with in the present case and the plaintiff was apprised of the charges leveled against him. He was given fully opportunity not only to state his case but also to adduce evidence. The Committee acted fairly and in good faith. The decision of the Committee is final and binding on the plaintiff. Strict rules of evidence and procedure are not applicable to the proceedings before a

Disciplinary Authority/Committee. The conduct and the behavior of the plaintiff in calling names to Rashid Patel and threatening him with a bat in hand in full view of the public on the play ground in a first class cricket was highly deplorable. The members of the Committee are men of high reputation and of integrity. Thus, there is no question of their acting with malice or ill will. The application is false and frivolous and it is liable to be dismissed.

(7) The learned counsel for the plaintiff while animadverting on the decision of the Special Committee debarring the plaintiff from playing any cricket match under the direct supervision of the Board of Control for Cricket in India till 31st December, 1991 communicated to the plaintiff through letter dated 2nd March, 1991, has contended that the said order is illegal and invalid and is thus liable to be set aside in as much as it is not in consonance with the principles of natural justice. The impugned order is also not a speaking order. Plaintiff was not allowed even to adduce evidence. The Special Committee was required to form an opinion in terms of Rule 39 (ii) of the Rules and Regulations of the Board of Control for Cricket in India after the receipt of the Explanation from the plaintiff. The said condition is a condition precedent before proceeding any further in the enquiry. No such opinion was formed. Hence, the entire enquiry proceedings were vitiated and are thus, liable to be set aside.

(8) Counsel for the defendants Mr. P.P. Malhotra, on the other hand, has urged that the enquiry proceedings were conducted strictly in accordance with the principles of natural justice. The plaintiff was duly informed of the charges leveled against him. He was not only given an opportunity to explain the said charges but was also given an adequate opportunity to lead the evidence. The Special Committee acted in good faith.

(9) I have heard the learned counsel for both the parties at sufficient length and have very carefully examined their rival contentions and have given my anxious thought thereto.

(10) Learned counsel for the plaintiff has initially argued that the plaintiff is an innocent person. No mis-conduct or any act of indiscipline can be attributed to him. In fact, he was a victim of the highhandedness committed by Patel against him.

Hence, the action, if any, should have been taken against Rashid Patel and not against the plaintiff. The learned counsel in support of his above contention has led me- through the different press cuttings as the impugned incident received a wide coverage, and the report of the Umpire. According to the learned counsel the above press reports coupled with the report of the Umpire were sufficient enough to show and prove that the plaintiff was innocent as a Lamb and the proceedings of the enquiry committee thus should have been dropped. Learned counsel for the defendants Mr. Malhotra, On the other hand. has equally vehemently argued that this is not so. The plaintiff was equally guilty of gross mis-conduct and indiscipline and there was sufficient material on record for the Special Committee to hold him guilty.

(11) Now, let me examine the press reports placed on record by the Plaintiff. The editorial written by Mr. Suresh Menon of the Indian Express on 30th January, 1991, is in the following words :-

'Lamba certainly was not an innocent bystander, and his act of showing the bat to Patel and calling names must have had its effect too.'

Then there is an editorial written by Mr. R. Mohan of the Hindu on 30th January. 1991, 'A short exchange of words later Patel pulled out a stump and chased Lamba around the ground to land a blow or two on him.'.....some action will also be recommended against Lamba for having provoked Patel. But one shudders to think what may happen if justice fails to differentiate between one who provokes and one who assaults.' Then there is a press report placed on record on page 43 of the Paper Book dated 4.2.1991. According to the said report Patel in his defense before the Committee said that, 'Lamba had abused him, his parents and even his community at which point he just threatened him and quite contrary to the reports he was hit by Lamba's bat, the official added- UNT.'

(12) This brings me to the report of the Umpire V.K. Ramaswamy who was acting as an Umpire during the ill fated match of Duleep Trophy. He in his report on the said match has got to say the following :

'There were couple of mild exchanges between them. But suddenly Rashid Patel deliberately bowled a short pitched ball, from 8 feet in front of the popping crease, which sailed over the batsman. Before Rashid Patel delivered the ball, there were some instructions from the acting captain, Kiran More in Gujrati, which we could not understand. When the Umpire called 'No ball' and was walking to the acting captain, it was noticed that Raman Lamba provoked by the bowler's action uttered some threatening way. Rashid Patel was in the process of picking the Stumps Again there were abuses between them and Rashid Patel picked up a stump from the striker's end and went after Raman Lamba.'

(13) The above press reports and the report of the Umpire clearly go to show prima-facie that the plaintiff was not innocent as he tried to make out to be. He did not like the short pitched balls being thrown at him by Patel which led to a flaming row in between the two. Raman Lamba is reported to have abused Patel. He was further reported to have waived his bat against Patel whereupon Patel took out a stump from the striker's end and tried to hit Raman Lamba with the same. Thus, it was in the above circumstances that the Committee decided to take action against both. Both were found guilty. Raman Lamba was debarred from playing cricket for the period ending 31st December, 1991 whereas Patel was dealt with more severely and was debarred from playing cricket under the supervision of the Board of Control for Cricket in India for the period ending 31st March, 1992.

(14) It has next been urged by Mr. Lekhi, counsel for the plaintiff, that the plaintiff was not allowed to adduce evidence in support of his defense. The said contention, I feel, is not borne out from the material placed on record. A perusal of the record reveals that the petitioner wrote a letter dated 15.2.1991 to the Hony. Secretary, Board of Control for Cricket in India wherein he requested the Secretary that Shri Suresh Luthra and Ajay Jadeja be asked to make themselves available before the Committee as witnesses on his behalf on 25.2.1992. It is amply clear from this that the plaintiff wanted to examine the above said two witnesses in his defense. Secretary, Board of Control for Cricket in India in reply to the said letter informed the plaintiff through his letter dated 19.2.1991 that it was his responsibility entirely to bring his witnesses at his own costs and responsibility if he wanted to examine them It is fully manifest from the above said letter that the

plaintiff was free to examine any witness and to adduce any evidence on his behalf in his defense before the Committee on February 25, 1991. There was absolutely no obstruction and hindrance in the way of the plaintiff to examine any witness in support of his case. Thus, I feel it does not lie in the mouth of the plaintiff to allege that he was precluded from examining the witnesses.

(15) Learned counsel for the plaintiff has further vehemently argued that the plaintiff was not allowed to examine Shri Suresh Luthra. I am sorry, I am unable to agree with the contention of the learned counsel. I have already alluded to the letter dated 19.2.1991 during my discussion above where through the plaintiff was specifically asked to produce any witness and to adduce any witness and to adduce any evidence which so ever was deemed fit and proper in support of his defense on 25.2.1991. I, thus, feel had Mr Suresh Luthra been produced before the Special Committee he would have definitely been examined by the Committee. It does not appeal to the reason as to why the Committee would not have examined Shri Suresh Luthra had he been produced in view of the above letter dated 19.2. 1991.

(16) There is another aspect of the matter. A perusal of the report submitted by Shri Suresh Luthra reveals that he was sitting inside the office of the Bihar Cricket association at the time of the incident. The entire incident was reported to him by Ajay Jadeja who was a Gujarati and was present at the spot and understood the language as is manifest from the said report and was thus in a position to understand what is alleged to have transpired in between Kiran More and Rashid Patel. Mr. Luthra did not know Gujarati language. Thus, the knowledge of Mr. Suresh Luthra with regard to the incident cannot be said to be a personal knowledge. It is hearsay and derivative having been derived from Ajay Jadeja. Hence, non-examination, if any, by the Board of Shri Suresh Luthra is not likely to make any difference.

(17) Mr. Lekhi has then argued that a duty was cast on the shoulders of the Committee to form an opinion after receipt of the Explanation from the delinquent, i.e., the plaintiff. No such opinion was formed in terms of Rule 39(ii) of the Rules and Regulations of the Board of Control for Cricket in India. It, thus,

vitiates the entire enquiry proceedings and the impugned order is, thus, liable to be set aside. The next limb of the argument advanced by the learned counsel is that formation of an opinion is a condition precedent and if no such opinion was formed as there 's no such opinion on record the enquiry proceedings could not have been continued further in the matter after the submission of the Explanationn. According to the learned counsel if there is a condition precedent for the exercise of a particular power it must be exercised in that manner or not at all as per the observations of their lordships of the Privy Council as reported in Nazir Ahmadv. King Emperor . The above view was again reiterated by their Lordships of the Supreme Court of India in State of Punjab & Ors. v. Bhai Ardaman Singh & Ors (Para 3) : [1969]1SCR283 , 'The condition precedent to the investment of jurisdiction in the Collector being absent, the revenue authorities had no power to pass the order in ejectment which they purported to pass'. There is no dispute with the said proposition of law. The only question which comes to the tip of the tongue is as to whether in fact the Committee failed to form an opinion as put forward by the learned counsel during the course of his arguments. The Committee no doubt is bound to form an opinion before taking further action against a delinquent after the receipt of the Explanationn. However, the Committee is not a court. It is not required to pass a speaking order that it has formed an opinion and thus wants to proceed with the matter further. The very fact that the Committee after the receipt of the Explanationn and after having considered the same chose to proceed further in the matter, examined the witnesses and passed an order, goes a long way to show and prove that the Committee formed an opinion that it was a fit case to proceed with the enquiry and as such did not drop the proceedings in terms of Rule 39(ii) of the Rules and Regulations for the Board of Control for Cricket in India.

(18) Furthermore, the plaintiff did not raise the said point and did not make any grievance on the said score in his representation dated 26.2.1991. There is no such allegation even in the plaint. It, thus, appears to be simply an after thought. I am supported In my above view by the observations of their lordships of the Supreme Court as reported in Board of High School and Intermediate Education, U.P.Allahabad and Another .Bagleshwar PrasadandAnr. Air 1966 P. 875 (Para 12) :

'But the conclusion that the impugned order is not supported by any evidence must be reached after considering the question as to whether probabilities and circumstantial evidence did not justify the said conclusion. Enquiries held by domestic Tribunal in such cases must no doubt be fair and student against whom charges are framed must be given adequate opportunities to defend themselves and for holding such enquiries (be Tribunals must scrupulously follow rules of natural justice but it would not be reasonable to import into these enquiries all considerations which govern criminal trials in ordinary courts of law'.

(19) It has then been urged for and on behalf of the plaintiff that the Committee while conducting the enquiry and while holding the plaintiff guilty did not follow principles of natural justice. The impugned decision of the Committee is clearly in violation of the principles of natural justice as required under Rule 39(ii) of the Rules and Regulations of the Board of Control for cricket in India. The learned counsel in support of his arguments has led me through the above rule 39(ii). It is in the following words :

'39.MISCONDUCT And Procedure To Deal With : (i) x x x (ii) x x x x x,x x x The Committee shall at such meeting hear the offending player, and the evidence be may lead or produce and thereafter take such action as the Committee may in its discretion deem fit. In conducting the enquiry against the offending player, the Committee shall follow the rules of Natural Justice, x x x x'

The learned counsel in view of the above has contended that the Committee was under an obligation and a duty was cast on its shoulders strictly to act in accordance with the rules of natural justice. Now, the question which falls for decision is as to what is the natural justice and what does this term convey

(20) The question what constitutes a natural justice came up for interpretation before a Court in England as reported in *Byrne And Another v. Kinematograph Renters Society Ltd. and Anr.* 1952 All ER 479. It was observed, 'the requirements of natural justice in a case of this kind

(A)that the person accused should know the nature of the accusation made;

(B)that the should be given an opportunity to state his case ; and

(C)that the tribunal should act in good faith'.

The above view was cited with approval by their Lordships of Supreme Court of India reported in Suresh Koshy George v. University of Kerala & Ors. : [1969]1SCR317 .

(21) The question as to whether there was violation of principles of natural justice came up for decision before a division bench of Gujrat High Court also as reported in The Manager, Boisahabi Tea Estate, v. The Presiding; Officer, Labour Court, Dibrugarh & Anr. 1981 Labour and Industrial Cases P. 557 (paras 17-25). It was observed,

'In order to adjudge as to whether there is a violation of the principles of natural justice, it is pertinent to find out whether the delinquent had a reasonable opportunity of effectively defending himself in the enquiry. It is a settled law that the domestic enquires do not stand on the same pedestal with the trials of actions or cases in Court; they are not governed by technical rules or procedural laws. The rules of natural justice are matters not of form but of substance-breach of bare technicalities cannot be equated with violation of the principles of natural justice. Moreover, prejudice caused to the delinquent resulting from the alleged violation of natural justice must be asserted and/or established or proved. The resultant effect of violation of the Rules must result in some sort of sufferance, handicap or prejudice to the delinquent.'

(22) With the above background let me now see as to whether there was any violation of principles of natural justice in the instant case A close scrutiny of the material on record reveals that the plaintiff was apprised of the charges leveled against him by the Secretary, Board of Control for Cricket in India vide his letter dated 12.2.1991 and was asked to submit his Explanationn on or before 22nd of February. 1991. The plaintiff gave reply to the said letter vide his letter dated 15.2.1991. A perusal of the said letter reveals that he has denied all allegations leveled against him. He has further stated therein that. his written statement dated 4th of February, 1991 be also considered in this connection. A request was also

made through the said letter to examine the witnesses, namely, Shri Suresh Luthra and Shri Ajay Jadeja. The said request was acceded to through the letter of the Secretary, Shri Jagroohan Dalmia, of Board of Control for Cricket in India vide his letter dated 19.2.1991.

(23) Thus, the Committee took the impugned decision after hearing the plaintiff, after examining the evidence which was adduced by him. Thus I feel that the requirements of principles of natural justice as enunciated by the Courts in England and by our own Hon'ble Supreme Court were followed and acted upon, i.e., the plaintiff was duly informed of the nature of the accusations made against him, he was given an opportunity to state his case and the Tribunal acted in good faith.

(24) Learned Counsel has then laid much stress on the point that no speaking order was passed in the present case, inasmuch as the plaintiff was simply informed that he had been debarred from playing cricket organized under the direct supervision of Board of Control for Cricket in India till 31st December, 1991 vide letter dated 2nd March 1991. No detailed or speaking order was ever passed. I am sorry, I am unable to agree with the contention of the learned counsel. I have already observed above that the Committee or Tribunal can not be placed on the same footing as that of a court. Those tribunals/committees which conduct domestic enquiries are not required to pass detailed or well reasoned orders nay it cannot be expected of them.

(25) In view of my above discussion, I am of the view that the plaintiff has failed to show a prima-facie case in his favor. Balance of convenience is also not in favor of the plaintiff. Games are played to inculcate the spirit of discipline, sense of restraint, virtues of unity and cohesion, and spirit of dedication. It does not matter in a game whether you lose or win However, it matters a lot how do you play the game. In the words of Grantland Rice in Alumnus Football :

'For when the one great scorer comes to write against your name He makes-not that you won or lost but how played the game.'

(26) Duke of Wellington while watching a cricket match at Eton observed, 'The battle of Waterloo was won on the playing fields of Eton.'

(27) Thus, it becomes a sacred and pious duty of the Board of Control for Cricket in India to take suitable action against those who are guilty of misconduct and indiscipline in order to teach a lesson to those who are like minded so that such things are not repeated in future and the game is played in its true spirit.

(28) Learned counsel for the plaintiff during the course of his arguments referred to certain authorities. I have very carefully gone through them. The said authorities are not applicable to the facts and circumstances of the present case. They are :

1.Suresh Chandra Chakravarty v. The State of West Bengal, : [1971]2SCR817 . It was held therein that vague and indefinite charges and failure to supply statement of allegations would render removal of Government servant void and inoperative.

2.S L. Kapoor v. Jagmohan & Ors. : [1981]1SCR746 . It was observed, 'Opportunity should be given to Municipal Committee before an order with regard to its suppression is passed.'

3.Dorab Cawasji Warden v. Coomi Sorab Warden & Ors. : [1990]1SCR332 . It was observed, "A mandatory injunction can be granted on an interlocutory application as well as at the hearing, but, in the absence of special circumstances, it will not normally be granted.'

4.S.N. Mukherjee v. Union of India, : 1990 CriLJ2148a . It was observed, 'Administrative Authority is required to give reasons except in cases where requirement is dispensed with expressly or by necessary implication.'

(29) In the circumstances stated above, I am of the view that the present application is not maintainable. It is hereby dismissed.

(30) Since nothing survives for adjudication by this Court in the present suit, hence, the present suit is also hereby dismissed. Parties are left to bear their own costs in the circumstances of the present case.