

a (4) Whether by the order dated 3-4-1992 the Cauvery Water Disputes Tribunal can be said to have modified its order dated 25-6-1991 under Section 5(3) of the Inter-State Water Disputes Act, 1956? If yes, what is its effect?

b (5) Whether it is open to the State of Karnataka to unilaterally reduce the monthly release of water required to be made as per the order dated 25-6-1991 read with order dated 3-4-1992 under the 'distress clause' stated to have been provided by the Tribunal?

(6) Whether the plaintiff is entitled to all or any of the reliefs claimed in paragraphs (a), (b) and (c) of the plaint?

(7) What order?"

6. The parties did not desire to lead any oral evidence and the suit was set down for hearing.

c 7. During the pendency of this suit, the Court was informed that efforts are being made to bring about an amicable settlement between the parties. However, no information is available with regard to the final outcome of the efforts in this behalf. Inasmuch as the suit is being referred to a Constitution Bench, it is possible that, in the meantime, an amicable settlement may be arrived at.

d 8. Having considered the submissions urged on behalf of both the parties, it appears to us that this suit involves substantial question of law as to the interpretation of the Constitution and, therefore, it will be appropriate if this suit is heard and decided by a Constitution Bench of this Court. Ordered accordingly.

e

(1997) 5 Supreme Court Cases 475

(BEFORE A.M. AHMADI, C.J. AND SUJATA V. MANOHAR, J.)

(Record of Proceedings)

MOHD. ASLAM ALIAS BHURE .. Petitioner;

f

Versus

UNION OF INDIA AND OTHERS .. Respondents.

Writ Petition (C) No. 131 of 1997, decided on March 14, 1997

g **Constitution of India — Arts. 32, 141, 25, 26 — Protection of places of worship (two mosques) — Supreme Court's previous order to authorities to do everything that would be necessary to protect the places of worship — Order of subordinate court to maintain status quo, held, would not be an impediment in strengthening the barricades, adding to them or improving upon them by Administration and police officials in implementation of the Supreme Court's order — No order of any subordinate court can be construed to run counter to Supreme Court's order**

Petition dismissed

R-M/17945/C

h

Advocates who appeared in this case :
M.M. Kashyap, Advocate, for the Petitioner.

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SUPREME COURT CASES

(1997) 5 SCC

ORDER

1. While disposing of Writ Petition (Civil) No. 541 of 1995 we had observed as under: a

“We have no doubt that the State and the Central Government will do everything that is necessary to protect the places of worship i.e. the two mosques in question, and if for that purpose they need any directions from this Court on account of impediment they would be at liberty to move this Court.

We, for the present, therefore, do not deem it necessary to give any direction but as stated above, if any directions are necessary it would be open to either of the Governments or the concerned (*sic*) to approach this Court....” b

2. The learned counsel for the petitioner has produced before us Annexure ‘H’ (page 48) stating that an order passed by the learned Judge for maintaining status quo has caused some difficulty, in that, the Administration and police officials think that on account of that order they are not in a position to strengthen the barricades, add to them or improve upon them. We do not see any reason why the authority should think that the status quo order prevents them from strengthening the barricades or adding to them or improving upon them. By our order dated 17-8-1995 we had made it clear that the authorities will do everything that is necessary to protect the places of worship which would entitle them to take all steps that are necessary in that behalf and the status quo order cannot preclude them from doing so if that is considered necessary for maintenance of public peace, tranquillity and public order. We do not think that the Government and police authorities would have any difficulty in understanding our previous order and to implement the same since we had in no uncertain terms permitted them to do everything that is necessary to protect the place of worship. No order of any subordinate court can be construed to run counter to this Court’s order. We, therefore, think that the petitioner’s apprehension is misplaced and hence we dismiss the petition. c
d
e

Court Masters f

(1997) 5 Supreme Court Cases 476

(BEFORE K. RAMASWAMY AND G.B. PATTANAİK, JJ.)

DHANNA SINGH AND OTHERS .. Appellants;

Versus

BALJINDER KAUR AND OTHERS .. Respondents. g

Civil Appeal No. 3001 of 1997†, decided on April 4, 1997

Practice and Procedure — Evidence — Right to lead evidence — Subsequent purchaser — Suit filed by respondent-plaintiffs for permanent injunction restraining the defendants from alienating any portion of the property — All the same property alienated in favour of appellant — After h

† From the Judgment and Order dated 22-5-1996 of the Punjab and Haryana High Court in C R No 4333 of 1995