

Supreme Court of India

Held:1.1. According To The High ... vs R. Venkataramani, Vallinayagam ...

HELD:1.1. According to the High Court, the appellant had not caused damage to the grassland nor had committed any action which warranted cancellation of licence and yet it imposed an enormous condition to deposit Rs. 50 lakhs inter alia on the grounds, namely, (i) fixation of nominal fee by the State for the use of the site; and (ii) heavy budget of the film (Rs.10 crores). If after following proper procedure and complying with all terms and conditions, the appellant-writ petitioner was granted permission to shoot the film and all payments had been made as per the terms and conditions of the agreement and there was no finding as to damage to environment, to grassland or to wildlife as alleged in the newspaper report and once the High Court was satisfied on the basis of the reports submitted by the authorities and it set aside the order of cancellation of licence and termination of agreement, the High Court could not have directed the appellant to deposit Rs.50 lakhs to be used towards creating greater awareness for environmental protection and for preservation of forests. [Paras 18, 20] [351-C,G,H 352-A-B] 1.2. No doubt the High Court was exercising plenary jurisdiction under Article 226 of the Constitution. However, even plenary powers must be exercised judicially and judiciously on the basis of facts before the Court and on well-settled principles. Since the findings recorded by the High Court were in favour of the appellant-writ petitioner, the grievance voiced by the appellant that the High Court was in error in directing deposit of Rs. 50 lakhs is well-founded and the appellant is entitled to refund of the said amount. [Para 21] [352 C-D] 1.3. As stated by the appellant, he had to deposit the said amount in view of the fact that on deposit of the said amount, the appellant was allowed to proceed with the shooting of the film. He was thus constrained to make such deposit. It would, therefore, be appropriate if this Court directs refund of the said amount with accrued interest thereon to the appellant. [Para 22] [352 D-E] Indu Malhotra, Shashi M. Kapila, Manisha Handa and Vikas Mehta for the Appellant.

R. Venkataramani, Vallinayagam and V.G. Pragasam for the Respondents.