AILET

Last Minute Revision for CLAT PG: Important Judgements for the Month of June- Part I

Indrasish Majumder · 21 Nov 2024

Preparing for CLAT 2025 and looking for comprehensive resources? Read this post to go through Part I of the important judgements of June.

The Delhi High Court Rules Against Property Rights for Naga Sadhus on Public Land

- Case: Mahant Shri Naga Baba Bhola Giri through his successor Avinash Giri v. District Magistrate District Central and Ors.
- Background: The petitioner, Avinash Giri, successor of Mahant Shri Naga Baba Bhola Giri, sought legal recognition of property rights and a demarcation order for land located at Ghat No. 33, Triveni Ghat, Jamuna Bazar, Delhi. Avinash Giri asserted that the Naga Baba shrine had been there since 1996 and expressed his fear of its potential demolition due to state action.
- The Delhi High Court emphasized that Naga sadhus, who lead a life of detachment, traditionally renounce material possessions; establishing private shrines on public land goes against this principle. The Court highlighted that such actions could set a negative precedent, encouraging encroachments on public land under religious pretexts.
- Decision: The High Court rejected the petitioner's plea, concluding that no individual, regardless of religious background, can claim property rights on public land. This judge upholds the principle of maintaining public spaces without unauthorized construction.

The Allahabad High Court Asserts that Courts Cannot Exercise Remission Powers Reserved for the Government

- Case: Ambrish Kumar Verma vs. State of UP

- Background: The case involved a petition to release convicts awaiting remission decisions from the government. The petitioner argued that courts could direct Chief Judicial Magistrates to initiate remission for prisoners eligible for early release.
- The Allahabad High Court clarified that the government grants remission as an administrative privilege, not a judicial right. The Court further asserted that the judiciary lacks the authority to treat remission as a substitute for bail.
- Decision: The Full Bench ruled that while courts can ensure that the government expedites remission decisions, they cannot themselves grant remission. This distinction reinforces the separate roles of the judiciary and the executive in the criminal justice system.

NGT Orders Amazon to Pay for Sewage Treatment Violations, Reduces Fine

- Case: Amazon Seller Services Private Limited v. Haryana State Pollution Control Board
- Background: Amazon filed a petition challenging a ₹13 lakh penalty imposed by the Haryana State Pollution Control Board (HSPCB) for alleged violations in sewage treatment standards. Amazon contended that taking the samples during maintenance resulted in inaccurate results.
- The National Green Tribunal (NGT) reviewed Amazon's arguments and upheld HSPCB's findings, emphasizing the company's responsibility in maintaining compliance with environmental norms. However, the NGT reduced the fine to ₹6 lakh, citing discrepancies in the violation count initially reported by HSPCB.
- Decision: The Tribunal upheld the Board's assessment but adjusted the penalty to reflect accurate procedural adherence, reinforcing accountability in corporate environmental practices.

Bombay High Court: Maintenance Orders Must Include Interest to Ensure Prompt Payment

- Case: Prakash Eknath Dheple vs. Vithabai Prakash Dheple
- Background: The petitioner, Prakash Eknath Dheple, challenged a family court order that mandated him to pay maintenance to his wife and son. Dheple argued that his wife was financially independent and had not disclosed her income.

- The Bombay High Court underscored the importance of a husband's responsibility to provide financial support, regardless of the wife's employment status. The Court further noted that delays in maintenance payments can create financial instability for dependents, and therefore, adding interest to arrears is a necessary deterrent against delayed compliance.
- Decision: On June 4, 2024 , the Court upheld the maintenance order and ordered the addition of interest to unpaid maintenance dues to ensure timely payments and discourage arrears.

The Rajasthan High Court Restricts Government Overreach in Panchayat Transfers

- Case: Kera Ram v. The State of Rajasthan
- Background: The Rajasthan government's directives ordering the transfer of Panchayati Raj officials sparked nearly 200 petitions. The petitioners argued that such transfers hindered local governance and undermined panchayat autonomy.
- The Rajasthan High Court highlighted that while the state has the authority to oversee panchayat operations, this should not impede the panchayats' ability to function independently. The Court emphasized that the state should only intervene in cases of genuine necessity, without undermining the local decision-making process.
- Decision: The High Court allowed the petitions, establishing guidelines to prevent arbitrary transfers by the state government and reinforcing the importance of local governance within the Panchayati Raj framework.

High Court Clarifies Juvenile Bail Shouldn't Be Denied Solely on Offence Gravity

- Case: X-Juvenile v. State of Uttar Pradesh
- Background: A juvenile involved in a serious criminal case sought bail, which was initially denied based on the severity of the offense. The petitioner argued that his age and circumstances should be considered in the bail decision.
- The Allahabad High Court clarified that under the Juvenile Justice Act, the gravity of the offence alone does not suffice to deny bail. The Court highlighted that factors such as the juvenile's risk of reoffending and moral safety are more pertinent to bail decisions than merely

the seriousness of the charge.

- Decision: Granting bail to the juvenile, the Court set conditions to ensure responsible supervision, thereby balancing juvenile rights with public safety considerations.

Guahati High Court Allows Arbitration for Real Estate Disputes Despite RERA Act

- Case: Pallab Ghosh and Kakali Roy v. Simplex Infrastructures Limited and Anr
- Background: The petitioners sought arbitration for delayed property possession, despite the existence of alternative dispute resolution provisions under the Real Estate Regulatory Authority (RERA) Act.
- The Gauhati High Court ruled that RERA does not exclude arbitration when parties have agreed to an arbitration clause within their contract. The Court clarified that the purpose of the RERA Act is not to undermine contractual agreements, but to offer an alternative mechanism to those who choose it.
- Decision: The High Court upheld the petitioners' right to pursue arbitration, reaffirming that RERA does not invalidate arbitration clauses and respects parties' contractual rights in real estate disputes.