

23rd September, 2021 till the date the impugned order (dated 11th November, 2024) was made.

4. It was observed by this Court in paragraph 3 of the order passed on 19th December, 2024 that the High Court had abruptly proceeded to restrain the respondents before the High Court (being the appellants herein) from acting on the basis of the tender. Paragraphs 4 and 5 thereafter recorded as follows: -

“4. No reason has been assigned as to why the High Court considered it necessary to grant an injunction. Restraining supply of food items to be used by lactating mothers and young children ought not be stalled without reason although it cannot be gainsaid that it is for the petitioners to ensure the quality of the food items; else, the entire process becomes counter productive to the Scheme that has been framed by the Centre. On the sole ground of absence of reasons, we stay the operation of paragraph 5 of the impugned order dated 11th November, 2024.

5. Any action taken by the respondent authorities shall abide by the result of the special leave petition.”

5. Our attention has been drawn by Ms. Bhati, learned Additional Solicitor General appearing for the appellants, to a subsequent order dated 20th December, 2024 passed by the same Division Bench of the High Court which had made the earlier order dated 11th November, 2024, impugned in this appeal. Paragraphs 2 and 3 of the order passed on 20th

December, 2024 read as follows:

“2. An order passed by Hon’ble the Apex Court on 19.12.2024 has been placed before us. We are in respectful agreement with the order passed by Hon’ble the Apex Court to the effect that detailed reasons were not spelt out in the order passed by us on 11.11.2024, whereafter some more orders have come to be passed in the proceedings. We equally note that the fact that an application for modification of the said order had been filed before this court, which was fixed for today, does not seem to have been pointed out before Hon’ble the Apex Court as is evident from the contents thereof.

3. Having regard to the order passed by Hon’ble the Apex Court and the prayer made in the application seeking modification of our order dated 11.11.2024, we modify the order passed by this court to the extent that the supplies for the third and fourth quarters of the year 2024-25 shall be acted upon by the State as per the procedure in vogue till the matter is finally decided by this Court in the light of the reports called for and the affidavits required to be filed by the State. The order dated 11.11.2024 shall stand accordingly modified.”

6. We are surprised at what the High Court did after the order dated 19th December, 2024 was passed by this Court. Despite realizing that it had proceeded to grant an injunction, thereby prohibiting supply of food items for lactating mothers and children, without assigning a single reason (it was incorrect for

the High Court to suggest that detailed reasons were not assigned) and despite being fully aware of operation of the order dated 11th November, 2024 having been stayed by the notice issuing order dated 19th December, 2024, the High Court modified its earlier order of 11th November, 2024 on a purported consideration of a pending application for modification and made further directions for compliance by the State, which we have noted above, completely overlooking the other part of the order 19th December, 2024 to the effect that any action taken by the appellants would abide by the result of the special leave petition. Having regard to the contents of the order dated 19th December, 2024, which were clear and intelligible, we have failed to comprehend as to how the High Court could assume jurisdiction to modify the self-same order of 11th November, 2024 citing pendency of an application for modification. In the light of the order of stay and the further order of the actions of the appellants to abide by the result of the special leave petition (and not the pending Public Interest Litigation), the High Court was not at all justified in what it did.

7. In our view, the learned Additional Solicitor General is right in her contention that the High Court has proceeded in a manner bordering on an attempt to overreach this Court. The course of action adopted by the High Court, we are afraid, was certainly neither warranted nor desirable on facts and in the circumstances. The High Court having been apprised of the order

of this Court granting interim stay to the effect noted above and the special leave petition being made returnable in February, 2025, ideally, the High Court ought to have awaited further orders, since this Court was seized of the proceedings, instead of giving further interim directions as to how the appellants ought to act in the interregnum.

8. We also hasten to add that it was of no concern of the High Court as to whether the order dated 19th December, 2024 had been passed by this Court without being apprised of pendency of the application for modification and the fact that it was due to be listed the next day. The High Court ought to have desisted from making any observation, not knowing what contentions were raised on behalf of the appellants in course of the proceedings before this Court and what impressed this Court to grant interim stay.

9. We would, thus, expect the High Court to act more responsibly in future.

10. Be that as it may, the impugned interim order (contained in paragraph 5) being wholly unreasoned and having been abruptly passed more than three years after institution of the Public Interest Litigation, the same is liable to be and is, accordingly, set aside. All other interim directions passed in the Public Interest Litigation stand set aside. We make it clear that the appellants shall be entitled to implement the subject Scheme for supply of food items maintaining the requisite quality, to be used

by lactating mothers and young children, till final disposal of the Public Interest Litigation.

11. Since we are informed that the Public Interest Litigation has been finally heard and the judgment reserved recently, the same may be decided in accordance with law.

12. The appeal is, accordingly, allowed. No costs. Pending application(s), if any, stand disposed of.

.....J.
(DIPANKAR DATTA)

.....J.
(MANMOHAN)

**New Delhi;
February 17th, 2025.**

ITEM NO.58

COURT NO.14

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.30405/2024

[Arising out of impugned final judgment and order dated 11-11-2024 in PIL No.21609/2021 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

THE STATE OF UTTAR PRADESH & ORS.

Petitioners

VERSUS

PRATYUSH RAWAT & ORS.

Respondents

(With I.A. No.293886/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and I.A. No.293885/2024-EXEMPTION FROM FILING O.T.)

Date : 17-02-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) :Ms. Aishwarya Bhati, A.S.G.
Mr. Yasharth Kant, AOR
Ms. Poornima Singh, Adv.
Mr. Suryaansh Kishan Razdan, Adv.
Ms. Sonal Kushwah, Adv.

For Respondent(s) :Mr. Abhinav Shrivastava, AOR
Mr. Shivang Rawat, Adv.
Mr. R. P. Singh, Adv.

Ms. Aishwarya Bhati, A.S.G.
Ms. Ruchi Kohli, Adv.
Ms. Shivika Mehra, Adv.
Mr. B.k.satija, Adv.
Mr. Abhishek Raj, Adv.
Dr. N. Visakamurthy, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

1. Leave granted.
2. The appeal is allowed in terms of the signed order.
3. Pending application(s), if any, shall stand disposed of.

(RASHMI DHYANI PANT)
ASTT. REGISTRAR-cum-PS

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)
(signed order is placed on the file)