

The Supreme Court cautions judges against giving "surprise" orders that go beyond the pleadings of the parties.

The highest court clarified that this kind of approach can have a chilling effect since litigants might start to question whether going to court could make their situation worse.

The Supreme Court warned courts on Tuesday against issuing unfavorable rulings with "surprise" directions that go beyond the grounds presented or reliefs sought by plaintiffs in their pleadings.

Such a strategy could have a chilling effect on access to justice, according to a bench of Justices Dipankar Datta and KV Viswanathan. This is because litigants may be left wondering if going to court could make their situation worse.

"When litigants believe their rights are being violated, they go to court to assert those rights. After hearing from both parties, the court may decide to grant or deny them relief. As noted in V.K. Majotra (above) and Mohammad Naim (above), if the court goes beyond the parameters of the petition, surprises the parties, and issues any strong observations or directives without first notifying them, it will also have a chilling effect on other potential litigants. Before starting the legal process, individuals will be left to question if they will end up worse off than before they went to court in cases where they believe injustice has occurred. Access to justice and, by extension, the rule of law itself may be severely impacted by this. Therefore, courts must be extremely cautious and circumspect in such cases," the Court stated.

In a case between the **Cochin Devaswom Board** and representatives of the Chinmaya

Mission Educational and Cultural Trust, the top court made the statement while overturning two orders from the Kerala High Court.

The increase in the license fee for the use of specific Thrissur land was at issue. In 1974, the Trust was given 13.5 cents of land to build a hall for religious, cultural, and marriage purposes. The hall had to be made free of charge for pilgrims and Devaswom programs.

For many years, the land use fee stayed the same, starting at ₹101 and increasing to ₹227.25 in 1977.

The Trust filed a petition in the Kerala High Court in 2014 after the Devaswom Board unilaterally raised the license price to ₹1.5 lakh annually and claimed arrears of more than ₹20 lakh.

The fee increase was upheld by the High Court. It also instructed the Board to refix the license fee and carry out a vigilance investigation into the land that was given to the Trust.

Before the Supreme Court, the Trust contested this development.

It claimed that such orders were unexpected and went beyond the parameters of the concerns expressed and the remedies requested in its writ petition. The Trust noted that by going to the High Court for judicial redress, it was in a worse position.

The Trust received relief from the Supreme Court. It concluded that by issuing orders that were outside the purview of the writ petition, the Kerala High Court had overreached its authority.

The top court noted that although the High Court had good reason to support the license cost increase, it had erred in ordering the Cochin Devaswom Board to determine the license rate and launch a vigilance investigation into the Trust's land allocation.

"We believe that the High Court lacked justification for issuing the directives... The instructions went well beyond what the writ petition could cover. In their own writ petition, the appellants could not have been in a worse situation. Furthermore, the appellants were not notified of the directives," the Court stated.

The Supreme Court further stated that a court must provide impacted parties a chance to clarify and defend themselves before going beyond the parameters of a writ petition in an extraordinary circumstance.

The Bench noted that the Kerala High Court had violated natural justice norms by failing to do so.

As a result, the Court nullified parts of the High Court's ruling that called for a vigilance investigation and the refixation of the license cost.

"However, notwithstanding the expunction of the above paragraphs, if the respondent-Board has legitimate rights to enhance the licence fee, they may do so independently and in accordance with law," the highest court stated.

The appellant (Trust and its representative) was represented by Senior Advocate Gaurav Agrawal and Advocates NK Unnikrishnan, Anu K Joy, **Alim Anvar**, Santhosh K, Devika AI, and **Smita Amratlal Vora**.

Bharat Sood, Jai Govind MJ, **Jashan Vir Singh**, Harshad V Hameed, Dileep **Poolakkot**, Ashly Harshad, **Mahabir Singh**, Anshul Saharan, and Senior Advocate PV Dinesh were among the advocates who attended the