

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 (Civil) No(s).1522/2006

(From the judgement and order dated 20/12/2005 in CWP No. 9712/2004 of The  
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

MUNICIPAL CORPORATION, AMRITSAR

Petitioner(s)

VERSUS

FRUIT & VEGATABLE MERCHANTS UNION(R)&ORS

Respondent(s)

(With prayer for interim relief and office report) (For final disposal)

WITH SLP(C) NO. 2050 of 2006

(With prayer for interim relief and office report)

SLP(C) NO. 2156 of 2006

(With prayer for interim relief and office report)

SLP(C) No. 2952/2006

(With prayer for interim relief and office report)

SLP(C) No. 2797/2006(With appln. For permission to place addl.documents on record  
and with prayer for interim relief and office report)

SLP(C) No.7262/2006(With prayer for interim relief and office report)

Date: 29/11/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s)

Mr.Ajay Majitha, Adv.

Dr. Kailash Chand,Adv.

Mr. R.K. Kapoor, Adv.

Mr. M.K.Verma, Adv.

Mr. Govind Kaushik, Adv.  
Mr. S.S.Yadav, Adv.  
Mr. Anis Ahmed Khan, Adv.

UOI

Mr.G.E. Vahanvati, Solicitor General  
Mr. A. Sharan, ASG  
Mr.Devadatt Kamat, Adv.  
Mr. B.c. Kathia, Adv.  
Mrs. Anil Katiyar, Adv.

Mr.Rakesh Dwivedi, Sr. Adv.  
Ms. Ruchi Gour Narula, Adv.  
Mr. Rajiv Nanda, Adv.

Mr.Rajiv Dutta, Sr. Adv.  
Ms. M.S. Humayunisa, Adv.  
Mr. Kumar Dushyant singh, Adv.  
Mr. R. Nedumaran, Adv.

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State of Punjab

Mr. Kuldip Singh, Adv.  
Mr. R.K. Pandey, Adv.  
Mr.Sanjay Katyal, Adv.  
Mr. Sanjay Jain, Adv.

UPON hearing counsel the Court made the following

O R D E R

The question which inter-alia arises for consideration in these petitions is the mode and manner in which the restrictions purported to have been

imposed with effect from 11.11.2004 by issuance of an appropriate notification by the Central Government, if at all, can be worked out. Before us, an affidavit affirmed by

Lt.Col. G.S. Bajaj, 99 Field Regiment C/o 56 APO has been placed us wherein it was

inter alia averred as under:

" The importance of issuing Gazette notification under work of Defence Act, 1903 on 11 November, 2004 not permitting construction within 1000 yards of notified area cannot be over emphasized. The construction if allowed would impinge on the security of the Ammunition Dump in the following manner:

(a) Height of existing structure of private land: In case, existing structures on private land are allowed to remain, the height of such structures can also become a security risk. High rising building will afford anti national elements a platform to look into the installation, take photo/video of the on going work, as also to bring effective fire/rocket attack on the Ammunition Dump.

(b) Distance of existing structure on private land: In some area the private land is located in the close proximity to the defence installation which will afford the anti national elements an opportunity to carry out forced entry by using vehicles and other means.

Learned Solicitor General appearing on behalf of the Union of India very fairly submitted that the matter requires application of mind on the part of the General

Officer Commanding, District Amritsar in terms of Section 7 of the (The) Works of

Defence Act, 1903 and in particular clause b(i) thereof.

It is stated that an appropriate order by the said authority shall be passed

within six weeks. Put up after six weeks.

(Meenu Sethi)

Court Master

(Pushap Lata Bhardwaj)

Court Master