

&
W.P(C)No. 150 OF 1997

ITEM No.14

Court No. 2

SECTION PIL
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(Civil) No.150/1997

NOIDA ENTREPRENEURS ASSOcn.

Petitioner (s)

VERSUS

N O I D A & O R S

Respondent (s)

(With Appln(s). for directions)
With

W.P(C)No.529/1998

Date : 22/04/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE BRIJESH KUMAR

Amicus Curiae Dr. Rajeev Dhawan, Sr. Adv.
 Mr. Nikhil Nayyar, Adv.
 Mr. Dayan Krishnan, Adv.

For Petitioner (s) Mr. E.C. Vidya Sagar, Adv.

Ms. Manjula Gupta, Adv.

For CBI Mr. Altaf Ahmed, ASG
 Mr. P. Parmeshwaran, Adv.
 Mr. A.D.N. Rao, Adv.

For Respondent No.7 Ms. Indira Jai Singh, Sr. Adv.
 Mr. Alok Krishna Agarwal, Adv.
 Mr. Ashok Upadhyay, Adv.
 Mr. Bharat Sangal, Adv.

M/s. Ajay K. Agrawal, Alka Agrawal, Anamika
Agarwal, C. Siddharth & Abhishek Chodhary, Adv.

Ms. Sangeeta Kumar, Adv.

M/s Ujjwal Kr. Jha, Aslam Ahmed, Ranjan
Kumar Jha, Adv. for Ejaz Maqbool, Adv.

Mr. E.C. Vidya Sagar, Adv.

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

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Learned Additional Solicitor General submits the CBI report in the sealed cover. The same may be kept on record. The State of Uttar Pradesh has not yet complied with the directions of the Court given by order dated 21.01.2002 inasmuch as they have not filed any affidavit indicating what action, if any, has been taken against the officers concerned on the basis of three enquiry reports already submitted. According to the State counsel the earlier affidavit filed would be sufficient. We are unable to accept the said contention inasmuch as on consideration of the earlier affidavit the Court directed the State by order dated 21.01.2002 to file an affidavit. We are, therefore, of the opinion that State has not complied with the direction contained in the order dated 21.01.2002. We direct State Government to file its affidavit within six weeks from today in compliance with the direction contained in the order dated 21.01.2002 and in the affidavit they may also indicate their response as to the stage of the disciplinary proceedings against respondent No.7. Learned Additional Solicitor General submitted that CBI has found prime facie case against 18 persons including 5 Public Servants, and has sought for sanction of the competent authority of the State Government as well as Central Government. The State Government is directed to consider the request of the CBI on the basis of the materials found and take its final decision within the aforesaid period of six weeks.

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Dr. Dhawan has submitted a compilation of the irregularities in the allotment of the plots in Noida. Response to the same must be filed by Noida Development Authority with regard to the alleged irregularities in respect of each of the plots as well as action taken by the said authority. It would also indicate the present state of the occupation of the same. While disposing of the matter finally, it would be possible for the Court to examine the equities in favour of any person who has been allotted without following due procedure and who has made construction on the land.

Put up on 20th August, 2002 for final disposal, along with I.A., if any.

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(Y.P.Dhamija)
Court Master

(Janki Bhatia)
Court Master