

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.9498/2000

(From the judgement and order dated 16/05/2000 in CWP 1681/2000  
of The HIGH COURT OF DELHI AT N. DELHI)

CHANDER PAL & ORS.

Petitioner (s)

VERSUS

MUNICIPAL CORPORATION OF DELHI & ORS.

Respondent (s)

(With prayer for interim relief)

( With Appln(s). for exemption from filing O.T. ) (Office Report)

WITH

Cont. Pet. (C) 288/2000 in WP(C) No. 1699/1987 and

Cont. Pet. (C) 289/2000 in WP(C) No. 1699/1987

Date : 01/12/2000 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M. JAGANNADHA RAO

HON'BLE MR. JUSTICE R.C. LAHOTI

For Petitioner (s)

Mr. Harinder Mohan Singh, adv.

For Respondent (s)

Mr. Shiv Kumar, adv.

Ms. Indra Sawhney, adv.

UPON hearing counsel the Court made the following

O R D E R

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.SP2

This Court passed an order on 6.11.2000 in respect of the complaint made by the petitioners who are eligible squatters in Category-III that certain other persons are being continued in Nehru Place while the petitioners are being asked to shift to 7, Pushpa Vihar, New Delhi. This Court directed the petitioners to file supplementary affidavit giving the names of the persons who are occupying various points in Nehru Place.

...2/-

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A supplementary affidavit has been filed which contains two annexures. Annexure-P/1 is the list of persons who are stated to be not tehbazari holders and Annexure-P/2 is a list of other non-tehbazari holders occupying non-squatting areas. The door numbers of the presmies in front of which they are squatting have also been specified. We do not propose to issue any individual notices to all these persons whose names are furnished by the petitioners in annexures-P/1 and P/2. In that view,

it will be sufficient if a general direction is given to the MCD to the effect that in places which are non-squatting areas at Nehru Place, neither tehbazari-holders nor non-tehbazari holders will be allowed to squat and do their business. Even in areas, if any, where squatting is permissible at Nehru Place, the MCD is directed to allocate tehbazari licenses in accordance with their seniority already determined by it. Of course, if there are any tehbazari-holders in squatting places at Nehru Place, they will be allowed to continue at that place till they are allocated alternative places according to their seniority. So far as non-tehbazari holders are concerned, they have to be evicted, if need be, with police help.

The MCD is directed to see that even in future no non-squatting areas are occupied by the tehbazari-holders or non-tehbazari holders. If it is brought to the notice of this Court that any non-tehbazari holders or tehbazari holders are allowed to squat in the non-squatting zones, the concerned Dy. Commissioner of the MCD and the Dy. Commissioner of Police will be held responsible for lack of supervision.

...3/-

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In the meantime, it will be open to the petitioners to move to 7 Pushpa Vihar, New Delhi and conduct their business at that place. It is stated by learned counsel appearing for the petitioners that there is some obstruction by the Horticulture Department. The Horticulture Department has not been impleaded in any of these petitions. Therefore, it is not possible to decide the said question.

With these remarks and directions, the above special leave petition and contempt petitions are disposed of.

Copy of this order be sent to all Dy. Commissioner (MCD) and Dy. Commissioner of Police, Delhi.

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.....L.....T.....J

(Ajay Kr. Jain)  
Court Master

(Prem Prakash)  
Court Master