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ITEM NO.301

COURT NO.3

SECTION XIV

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).12065/2009  
(From the judgement and order dated 11/02/2009 in CM No.15895/2005,WP  
No.17682/2005 of The HIGH COURT OF DELHI AT N. DELHI)

UNION OF INDIA

Petitioner(s)

VERSUS

VIMAL BHAI & ORS.

Respondent(s)

(With appln(s) for modification of Court's Order and directions and  
permission to place addl. documents on record and intervention and  
impleadment and office report)

WITH

T.C.(C) NO. 132 of 2011

T.C.(C) NO. 133 of 2011

SLP(C) NO. 36343 of 2011

(With prayer for interim relief and office report)

T.C.(C) NO. 35 of 2012

(With appln.(s) for permission to file addl.documents)

Date: 04/04/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr.P.P.Malhotra, ASG  
Mr.Harish Chandra, Sr.Adv.  
Mr.D.L.Chidanand, Adv.  
Mr.Gaurav Sharma, Adv.  
Mr.A.Chidanand, Adv.

Ms.V.Mohana, Adv.  
Mr.Aljo K.Joseph, Adv.  
Ms.Sushma Suri, Adv.

Mr.Mohan Prasad Gupta, Adv.  
Mr. Shreekant N. Terdal, Adv.

Ms.Binu Tamta, Adv.  
Mr.Dhruv Tamta, Adv.

Mr. Annam D.N. Rao, Adv.  
Mr. Vikas Mehta, Adv.

For Respondent(s)

For Respondent No.8 Mr.S.K.Agarwal, Sr.Adv.  
Mr. Arun K. Sinha, Adv.  
Mr.Rakesh Singh, Adv.

Mr.Manjit Singh, AAG  
Mr.Tarjit Singh, Adv.  
Mr.Kamal Mohan Gupta, A.O.R.

For RR No.1

Mr.Sanjay Parikh, Adv.  
Ms.Anitha Shenoy, Adv.

For Respondent No.2

Ms.Pragya Jha, Adv.  
Ms.Meenakshi Arora, Adv.

Mr.Anil Grover, Adv.

Ms.Noopur Singhal, Adv.  
Ms.Shubhangi Tuli, Adv.

For Noticee No.1 Mr.Manoj V.George, Adv.  
Mr.K.Gireesh Kumar, Adv.  
Ms.Shilpa M.George, Adv.

For Noticee No.3 Mr. Sudhir Kulshreshtha, Adv.  
Ms.Sushma Singh, Adv.  
Mr.Sameer Kulshreshtha, Adv.

For Noticee No.4 Mr.Robin Majumdar, Adv.

For Noticee No.5 Mr.Rajeev Sharma, Adv.  
Mr.Sahil Bhalaik, Adv.  
Mr.Uddyam Mukherjee, Adv.

For Noticee No.6 Mr.Arvind Kumar Tewari, Adv.

For Noticee No.7 Mr.Saket Singh, Adv.  
Ms.Prema Singh, Adv.  
Mr.Kumar Ranjan Mishra, Adv.  
Ms. Niranjana Singh, Adv.

For Noticee No.39 Ms.Anita Sharoha, Adv.  
Mr.Anil Kumar Gautam, Adv.

For Resp.No.85 Mr.Baldev Atreya, Adv.  
Mr.Vikrant Y.S.Narula, Adv.  
Mr.Deepak Goel, Adv.

Mr.Pardep Dahiya, Adv.  
Mr.S.Rein, Adv.

For State of W.B. Mr.Bikas Kargupta, Adv.  
Mr.Avijit Bhattacharjee, Adv.

For State of T.N. Mr.B.Balaji, Adv.  
Mr.R.Rakesh Sharma, Adv.  
Mr.P.Krishnamoorthy, Adv.  
Mr.T.Mouli Mahendran, Adv.

Mr.Anil Grover, Adv.  
Ms.Noopur Singhal, Adv.  
Ms Shubhangi Tuli, A.O.R.

Dr. V.P. Appan, Adv.  
Mr.Prem Kumar, Adv.  
Mr.A.K.Panigrahi, Adv.

Mr.Sanjay Parekh, Adv.  
Ms. Anitha Shenoy, Adv.

Mr.R.K.Handoo, Adv.  
Mr. Yoginder Handoo, Adv.  
Mr.Aditya Chaudhary, Adv.

Mr. Dushyant Parashar, Adv.  
Ms.Neelam Sharma, Adv.

Mr.T.V.George, Adv.  
Mr.Rakesh Taneja, Adv.  
Mr.Maurya Sarkar, Adv.  
Mr.Dushyant Kumar, Adv.

Ms.Suparna Srivastava, Adv.  
Mr.Ram Swarup Sharma, Adv.

Mr. Nikhil Nayyar, Adv.

Mr.Vikash Verma, Adv.  
Mr.S.Ahmed, Adv.

Mr. K.B. Rohtagi, Adv.  
Mr.Mahesh Kasana, Adv.  
Ms.Aparna Rohatgi Jain, Adv.

Dr.Sumant Bhardwaj, Adv.  
Ms. Mridula Ray Bharadwaj, Adv.  
Ms.Anita Gupta, Adv.

Mr.Amet Singh, Adv.  
Ms.Pareena Swarup, Adv.  
Mr.Rohit Sharma, Adv.

Mr.Viresh B.Saharya, Adv.

Lt.Genl.S.S.Dahiya, In-person

Mr. Satish Aggarwal, Adv.

Mr. M.T. George, Adv.  
Ms.Kavitha K.T., Adv.

Mrs Shiel Sethi, Adv.

Mr. Ranbir Singh Yadav, Adv.

Mr. Ranjan Mukherjee, Adv.  
Mr.S.C.Ghosh, Adv.  
Mr.S.Bhowmick, Adv.  
Mr.R.P.Yadav, Adv.

Mr. Chander Shekhar Ashri, Adv.

Mr. K.S. Rana, Adv.

Mr. B.S. Banthia, Adv.

Mr. K.L. Janjani, Adv.

Gp.Capt.Karan Singh Bhati, Adv.  
Ms.Aishwarya Bhati, Adv.  
Mr.Pawan Kumar Saini, Adv.

Ms. Asha Gopalan Nair, Adv.

Mr. Ashiesh Kumar, Adv.

Mr. Praveen Swarup, Adv.

Ms. Meera Mathur, Adv.

Ms. Praveena Gautam, Adv.

Mr. C.S.N. Mohan Rao, Adv.

Ms. Nidhi, Adv.

Mr. Vipin Kumar Jai, Adv.

Mr. Samir Ali Khan, Adv.

Mr. Sudarshan Singh Rawat, Adv.

Mr.Ankur S.Kulkarni, Adv.  
Mr.Anand Srivastava, Adv.  
Mr. Nirnimesh Dube, Adv.

Mr. Harish Pandey, Adv.

Md. Shahid Anwar, Adv.

Mr. Mishra Saurabh, Adv.

Mr. Anil Kumar Gautam, Adv.

Mr Sanjay Kumar Singh, Adv.

Mr. Mohit Abraham, Adv.

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

For the last more than one year and six months, this Court has been repeatedly insisting on making functional accommodation to the National Green Tribunal as also residential accommodation for the judicial and expert members. The Court was also concerned with the non-availability of sufficient accommodation space for four Benches of the Tribunal at Chennai, Bhopal, Pune and Calcutta.

On the last date of hearing i.e. 15.03.2013, Shri A.S. Chandhiok, learned Additional Solicitor General placed before the Court xerox copy of letter dated 27.02.2013 sent by the Director of Estates to the Chairman, National Green Tribunal, Principal Bench, Van Vigyan Bhawan, Sector-V, R.K.Puram, New Delhi-110022 regarding allotment of General Pool Type-VII houses in Commonwealth Games Village to the Judicial Members of National Green Tribunal. Shri P.P.Malhotra, learned Additional Solicitor General was asked by the Court to get in touch with the Chief Secretaries of the States of Madhya Pradesh, Maharashtra and West Bengal for ensuring that all steps necessary for functioning the Benches of the Tribunal at Bhopal, Pune and Calcutta are taken.

Today, Shri P.P.Malhotra, learned Additional Solicitor General placed before the Court a compilation of 8 pages, first three of which contains the letters sent by him on 01.04.2013 to the Chief Secretaries of Madhya Pradesh, West Bengal and Maharashtra informing them about the direction given by this Court. The other five pages are the letters received from the officers of the three Governments, perusal thereof shows that the Bhopal Bench of the Tribunal is likely to become functional with effect from 07.04.2013 and adequate accommodation will also be provided to one judicial and one executive member of the Tribunal. The other two Benches are likely to become functional by the end of April, 2013 with sufficient accommodation for the Benches as also the residential accommodation for the members.

Shri Sanjay Parikh, learned counsel appearing for the respondent informed the Court that the General Pool Type-VII houses made available for four Judicial Members in the Commonwealth Games Village are not habitable inasmuch as there are cracks in the buildings and even otherwise the houses are not at all habitable. Ms.Binu Tamta, learned counsel representing the National Green Tribunal also stated that the houses made available by the Director of Urban Estates, to which reference has been made in the letter of Director of Urban Estates, are not habitable.

Both Shri Parikh and Ms.Tamta informed the Court that all the three Judicial Members of the Tribunal

are residing in Tamil Nadu House, Maharashtra Sadan and at Vigyan Bhawan.

Shri P.P.Malhotra requests for three days' time to ascertain the facts about the nature of the accommodation made available in Commonwealth Games Village.

List these cases on 08.04.2013.

To be taken up at 3.00 P.M.

Shri Parikh and Ms.Tamta should themselves visit the Commonwealth Games Village, see the accommodation and inform the Court about its present status.

If it is found that the letter of the Director, Urban Estates contains a misleading statement and the accommodation specified in his letter is not fit for human habitation with adequate conveniences, the Court may have to pass an order for stay of the National Green Tribunal Act.

We have also heard learned counsel for Shri Buta Singh and the learned Additional Solicitor General on the issue of regularisation of the accommodation occupied by the former. We have serious reservations on the legality and correctness of the decision taken by the government to allot the official accommodation to Shri Buta Singh in the name of providing security to him. This matter will also be considered on 08.04.2013. Till then, the direction given by the Court for eviction of other persons occupying the government accommodation shall remain stayed and no order shall be passed against them under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master