

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 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 additional documents)

Date: 10/10/2012 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.R.F.Nariman, SG  
Mr.Farrukh Rasheed, Adv.  
Mr.Nakul Dewan, Adv.

Mr.A.S.Chandhiok, ASG  
Mrs.V.Mohana, Adv.  
Ms. Shalini, Adv.

Ms.Chinmayee Chandra, Adv.  
Mr.Vikas Mehta, Adv.

Mr.A.D.N.Rao, Adv.  
Ms.Neelam Jain, Adv.

For Respondent(s) Mr.Mohit Abraham, Adv.  
Mr.Arvind Kr.Ray, Adv.

Mr.Sanjay Parikh, Adv.  
Ms.Mamta Saxena, Adv.  
Ms.Bushra Parveen, Adv.

For Intervenor Mr.Raj Panjwani, Sr.Adv.  
Mr.Rahul Choudhary, Adv.  
Mr.Ritwick D., Adv.  
Ms.Aparna Bhat, Adv.

Mr. B.S. Banthia, Adv.  
Mr. Naveen Sharma, Adv.

Mr. B.Balaji, Adv.  
Mr. Muthu Vel Palanim, Adv.  
Mr.Krishnamoorthy, Adv.

Mr.Sanjay Kharde, Adv.  
Ms.Asha Gopalan Nair, Adv.

UPON hearing counsel the Court made the following

O R D E R

Today, the learned Additional Solicitor General handed over a compilation of documents running into 40 pages. The first of these documents is xerox copy of letter dated 28.09.2012 sent by the Deputy Director of Estates (O&M) to the Secretary, Ministry of Environment and Forest whereby the decision of the competent authority to allot entire Faridkot House for National Green Tribunal has been communicated.

The learned Additional Solicitor General assured that order/letter of allotment will also be issued within two weeks.

The learned Additional Solicitor General pointed out that a large number of persons are unauthorisedly occupying the government accommodation and actions taking by the department for getting the premises vacated have been questioned before different judicial forums.

Having gone through the lists of the unauthorised occupants, we are, prima facie, satisfied that they do not have any legal or constitutional right to continue to occupy the premises after retirement etc. and the litigation instituted by them cannot be used as a camouflage for continuance of unauthorised occupation of the premises.

The Central Government is facing problem due to acute shortage of accommodation required to be made available to the Presidents/Chairpersons and Members of the Tribunals, other quasi-judicial and administrative bodies constituted by the Government. Due to continued unauthorised occupation of Government accommodation, the eligible persons are deprived of such accommodation and this appears to be the reason why the Prime Minister's office has circulated a letter that in future no proposal be made for allotment of general pool accommodation to the Chairperson and Members of the Tribunal etc.

In this scenario, it is imperative for this Court to intervene. Let notice issue to all the persons who are in unauthorised occupation of the government accommodation whose names have been given in the lists made available by the learned Additional Solicitor General.

The Registry is directed to issue notice returnable on 05.12.2012 indicating therein that the noticees are required to show cause as to why an order may not be passed by this Court directing them to vacate/surrender the premises in their occupation to the concerned department of the government. The notices be made available to the office of the learned Additional Solicitor General, who shall ensure that they are served on all the persons through the Ministry of Urban Development well before the next date.

At the request of the learned Additional Solicitor General, we direct that notice be also published in Times of India (English Edition) and Hindustan (Hindi Edition) incorporating therein the contents of this order so far as it relates to vacation of unauthorised occupation of government premises. The names and addresses of unauthorised occupants be also indicated in the notice to be published in the newspapers.

Order dated 3.5.2012 is modified and Acting Chairperson of the National Green Tribunal is permitted to appoint those who have been selected for various posts advertised by the Tribunal. The Acting Chairperson may also make appointment on Class IV posts.

While adjourning the case, we make it clear that for allotment of residential accommodation to the Members of the National Green Tribunal, the Ministry of Environment and Forest shall move a fresh Cabinet Note for consideration by the Cabinet Committee on Accommodation and we hope and trust that the Cabinet Committee would include the Members of the National Green Tribunal in the general pool.

The application for intervention filed by Maharawal Khewaji Trust is dismissed. However, it is made clear that dismissal of the application shall not prejudice the right of the applicant in the pending suit.

The application for impleadment filed by National Green Tribunal Bar Association is also dismissed.

(Parveen Kr. Chawla)  
Court Master

(Phoolan Wati Arora)  
Court Master