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ITEM NO.301

COURT NO.7

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. No.44 in WRIT PETITION (CIVIL) NO(s). 113 OF 1996

OKHLA ENCLAVE JOINT ACTION COMMITTEE Petitioner(s)

VERSUS

U O I & ORS Respondent(s)

(With appln(s) for directions, impleadment and office report)

WITH

I.A. No.9 in WRIT PETITION (CIVIL) NO(s). 792 OF 1996

(With application for directions and office report)

Date: 03/02/2014 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s) Mr. Ranjan Mukherjee,Adv.
Mr. Azim H. Laskar,Adv.
Mr. Abhijit Sengupta,Adv.
Ms. Minakshi Vij,Adv.

For Respondent(s) Mr. V. Shekhar,Sr.Adv.
Mr. Mohan Kumar,Adv.
Mr. Rahul D. Tyagi,Adv.
Mr. V. Sivasubramanian,Adv.
Ms. Richa Sharma,Adv.

Mr. Narender Hooda,AAG
Dr. Monika Gusain,Adv.

Mr. Soumyajit Pani,Adv.
Mr. Vinodh Kanna B.,Adv.

Mr. Arun K. Sinha,Adv.

Mr. Prem Malhotra,Adv.

Mr. Ranbir Singh Yadav,Adv.

Mr. Kishan Datta,Adv.

Mr. T.V. George,Adv.

Mr. P. Narasimhan,Adv.

Ms. Anubha Agrawal,Adv.

Mr. Mohit Chaudhary,Adv.
Mr. Imran Ali,Adv.
Ms. Damini Chawla,Adv.
Mr. Harsh Sharma,Adv.

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

Heard counsel on either side.

Application for impleadment is allowed.

Learned counsel appearing for the applicant is directed to serve a copy of the application to all the parties.

Heard Mr. V. Shekhar, learned senior counsel appearing for Durga Builders, Mr. Ranjan Mukherjee, learned counsel appearing for the Okhla Enclave Joint Action Committee.

At this stage we are concerned with the question as to whether the Colonizers could take up the internal development of the colony which falls under Phase-I, or in their absence, the Town and Country Planning Department could take up the development work.

We have now a list containing names of 492 allottees, but how many of them have already paid the amount to the Director General, Town and Country Planning, Government of Haryana directly or to the Colonizer, is a matter to be considered. Mr. Anurag Rastogi, Director General, Town and Country Planning, Government of Haryana is personally present before this Court and submits that if any amount has been received from the plot owners that will be given credit to or else the expenses for internal development has to be met by the plot owners/holders or the Colonizers. In order to give a quietus to the issue, we are inclined to give a direction to the Colonizers and the representatives of the plot owners/holders to remain present on 05.02.2014 at 2.00 P.M. at the Head Office of Director General, Town and Country Planning, Government of Haryana, at Chandigarh, Haryana and all the parties would cooperate for reaching a final conclusion with regard to the internal development.

Needless to say, parties can produce all relevant documents before the Director General, Town and Country Planning, Government of Haryana in support of their contentions.

The Director General also submitted that by merely paying the amount either by the plot owners/holders or by the Colonizers it would not be possible to take up the the entire internal development of both the phases unless the entire amount is made available by the Colonizers or by the plot owners/holders or allottees.

The Director General further submitted that they would be able to take up the internal development work only if the entire amount is made available either by the Colonizers or by the plot owners/holders.

To begin with, let the Durga Builders give all their details to the Director General on the specified date so also the representatives of the plot owners/holders. Further, if any amount has been paid by the plot owners/holders directly to the Town and Country Planning Department that should be given credit to.

Post on 24.2.2014.

Personal presence of the parties, as directed earlier, is dispensed with for the time being.

Till the matter is finally decided no further alienations shall be made either by the Colonizers or by the plot owners or the allottees.

| (Narendra Prasad)

| | (N.S.K. Kamesh)

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| Court Master

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