

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A.No.1 in I.A.No.407 in W.P.(C) No.1699/1987

Patri Vyapar Mandal Delhi(Regd). Petitioner(s)

VERSUS

M.C.D.Town Hall & Ors. Respondent(s)
(For permission to file application and directions)

With
I.A.1 in I.A.No.394 in I.A.No.356 in W.P.(C) No. 1699/1987
Hawkers Welfare Committee Thru Its President Vs. Ashok Nigam
(For Directions)

Contempt Petition(C) No.323/2007 in W.P.(C) No.1699/1987
Promod Kumar & Ors. Vs. M.C.D.& Ors.

SLP(C) No. 17472/2005
Siya Ram & Ors. Vs. UOI & Ors.
(With appln(s) for directions and office report)
With
I.A.Nos. 204-206 in C.A.No.560/1998
Sodan Singh Vs. NDMC & Ors.
(For directions and impleadment and office report)

I.A.No.366 in W.P.(C) No. 1699/1987
Ram Swaroop & Ors. Vs. MCD & Ors.
(For directions)

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Raj Kumar Ghai Vs. MCD & Ors.
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Contempt Petition(C) No. 126/2001
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(For directions)

I.A.No.372-373 in W.P.9C) No.1699/1987
Hawkers Welfare Committee Vs. MCD & Ors.
(For directions)
(Along with the record of Contempt Petition (C) No.187/2000)
With
I.A.No.389 in W.P.(C) No.1699/1987
Harbhajan Singh Bedi Vs. MCD & Ors.
(Along with record of I.A.No.356)

-1-

I.A.No.392 in W.P.(C) No.1699/1987
Shri Pramod Kumar & Anr.Vs. Assistant Commissioner MCD & Anr.
(For directions)
I.A.No..... In W.P.(C)No.1699/1987
Ram Mohan Gautam Vs. State through Secretary, Delhi Admn.
(For interim relief)

WITH
W.P(C)No.535/2001
Raj Karan Vs. Municipal Corporation of Delhi & Anr.
(With office report)

W.P.(C)No.240/2004
Vijay Pandey & Ors.Vs. M.C.D. & Ors.
(With appln.(s) for ex-parte stay and office report)

WITH
I.A.Nos.397-398 in W.P(C)No. 1699/1987
Om Pal Etc. Vs. Asstt. Commr., M.C.D. & Anr.
(For directions)

I.A.No.399 in I.A.No.394 in W.P.(C)No.1699/1987
Sudhir Madan & Ors.Vs. M.C.D. & Ors.
(For modification of Court's order dated 09.08.2004)

WITH
I.A.Nos.1-2 in WP(C)No.100/2002
New Lajpat Rai Market Patri Hawkers Union
Vs. Municipal Corporation of Delhi & Ors.
(For directions and exemption from filing O.T.)

I.A.No..../2005 in I.A.No.394 in IA No.356 in W.P.(C)No.1699/1987
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I.A. No.400 in W.P(C)No.1699/1987
Sh. Santosh Kumar Vs. M.C.D. & Ors. (For direction)

WITH
I.A.No.401 in I.A. 396 in C.P. 506/2002
M/s. Chandini Chowk Hawkers Association(Regd.)
Vs. Rakesh Mehta & Ors.
(Appln. for modification of order dt. 25.08.2005)

WITH
I.A..... In C.P. 506/2002
Chandini Chowk Sarv Vyapar Mandadl vs. Sh. Rakesh Mehta & Ors.
(For direction/modification)
I.A. No.402 in W.P(C)No. 1699/1987
President, delhi Hawkers Maulik Adhikar Suraksha Manch
vs. M.C.D. & Ors.
(For direction to initiate proceedings under Sec. 340 CrI.P.C)

-2-

WITH
W.P(C)No.414/2006
Bhoori vs. State of Delhi & Anr.
(With office report)

WITH
I.A.No.403 in W.P.(C) No.1699/1987
Manushi Sanghathan Vs. M.C.D. & Ors.
(For intervention)

WITH
I.A.No.404 in W.P.(C)No.1699/1987
National Association of street vendors vs. M.C.D. & Ors.
(For intervention)

WITH
I.A. No.406 in W.P.(C)No.1699/1987
Ministry of Housing & Poverty Alleviation, New Delhi
Vs. M.C.D. & Ors. (For impleadment)

WITH
I.A. Nos. 408-409 in WP(C)No. 1699/1987
Self Employed Womens Association vs. M.C.D. & Ors.
(For intervention and directions)

Date: 12/03/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Applicant(s)/ Ms. Kavita Wadia, Adv.

Petitioner(s)/

Respondent(s)

Mrs.Gouri K.Das, Adv.
Ms. Anu Gupta, Adv.
Mr. S.M. Tripathi, Adv.
Mrs. Rani Jethamalini, Adv.(NP)

Mr. M. Kashyap, Adv.

Delhi Police

Mr. S.Wasim A.Qadri, Adv.
Mr. J.Ahmad Khan, Adv.
Mr.D.S. Mahra, Adv.

NDMC

Mr.Ashok Bhan, Adv.
Mrs. Kiran Bhardwaj, Adv.
Mr. B.K. Prasad, Adv.
Dr.Rashmi Khanna, Adv.
Mr. Pranav Vyas, Adv.
Mr.Faizy Ahmad, Adv.
Mr. Surya Kant, Adv.

MCD

Mr.Sanjiv Sen, Adv.
Mr. Praveen Swarup, Adv.

-3-

Mr.S.C. Tripathi, Adv.

Ms. Madhu Moolchandani, Adv.

Mr.Sameer Parekh, Adv.
M/s P.H. Parekh & Co.

Mr.S.C. Patel, Adv.

Mr. A.Mariarputham, Adv.
M/s Arputham Aruna & Co.

Mr. Shiv Kumar(A.C.)

Ms. Indra Sawhney, Adv.

Mr.Subramonium Prasad, Adv.

Mr. Mohan Pandey, Adv.

Mr.C.S.Ashri, Adv.

Mr. Balraj Dewan, Adv.

Mr.Varinder Kumar Sharma, Adv.

Ms.Prasanthi Prasad, Adv.

Dr.S.K.Verma, Adv.

Ms.Asha G. Nair, Adv.

Mr.Shakeel Ahmed, Adv.

Ms.Kamini Jaiswal, Adv.

Mr. Prashant Bhushan, Adv.

Mr.T.V.George, Adv.

Mr.V.K.Verma,Adv.

UPON hearing counsel the Court made the following

ORDER

It is stated by Mr.Sanjiv Sen, learned counsel appearing for the Municipal Corporation of Delhi that the order of this Court dated 23.1.2008 could not be complied with as information from all the zones have not been received. Mr.Sen, learned counsel prays for two weeks' further time to comply with the said order. The prayer of Mr. Sen, learned counsel is being opposed by learned counsel appearing on behalf of the petitioner.

-4-

The matter is an old one and in that view of the matter, we are not inclined to grant any adjournment.

Let the Additional Commissioner(Revenue) appear before this Court in person at 2 O'Clock today to explain as to why the abovesaid order has not been complied with and why appropriate proceedings against him and other officers shall not be initiated.

(Meenu Sethi)
Court Master

(Pushap Lata Bhardwaj)
Court Master

-5-

ITEM NO.1 COURT NO.6 SECTION X
(At 2 p.m.)

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Mr.Ashok Bhan, Adv.
Mrs. Kiran Bhardwaj, Adv.
Mr. B.K. Prasad, Adv.

NDMC Mr.Rakesh Kumar Khanna, Sr.Adv.
Dr.Rashmi Khanna, Adv.
Mr. Pranav Vyas, Adv.
Mr.Faizy Ahmad,Adv.
Mr. Surya Kant, Adv.

MCD Mr.Sanjiv Sen, Adv.
Mr. Praveen Swarup, Adv.

Mrs.June Choudhary, Sr.Adv.
Mr.N.K.Sahoo, Adv.
Mr.S.C. Tripathi,Adv.

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Mr.N.K.Sahoo, Adv.

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Mr. Shakeel Ahmed, Adv.

Ms. Kamini Jaiswal, Adv.

Mr. Prashant Bhushan, Adv.

Mr. T.V. George, Adv.

Mr. V.K. Verma, Adv.

UPON hearing counsel the Court made the following

ORDER

Several interlocutory applications are before us.

Whereas N.D.M.C. has filed its response in terms of our order dated 23.1.2008, the M.C.D. has not.

-4-

In the order passed this morning, we expressed our displeasure as regards the attitude of the M.C.D. and directed the Additional Commissioner (Revenue) to remain present personally in Court at 2 p.m. Pursuant thereto Mr. P.S. Tomar, Additional Commissioner (Revenue) is present in person in Court. Mr. Tomar submits that owing to non-receipt of reports from two zones, the order of this Court dated 23.1.2008 could not be complied with. We have no words to deprecate the conduct of the M.C.D. for the manner in which the orders of this Court are treated. M.C.D. must remind itself that several contempt proceedings had been initiated against the Officers concerned and several directions have been passed therein. Although, it is not our desire to initiate another contempt proceeding at this stage but if the authorities of the M.C.D. continue to take the orders of this Court lightly, we would be compelled to do so.

We have heard a large number of learned counsel. We have been taken through some of the orders passed by this Court from time to time. We have also been taken through various other documents.

We feel that with a view to do complete justice to the parties it is necessary to have before us; (i) a complete picture in regard to the history of the case (ii) the identification of the documents which are relevant for the purpose of this case and an appropriate compilation thereof (iii) the relevant paragraphs of the different reports and implementation thereof in a separate compilation (iv) the names of the persons in whose favour allotments have already been made (v) the difficulties faced by the N.D.M.C./M.C.D. in making allotments (vi) any suggestion or recommendations as to how the difficulties can be got over.

Mr.R.K.Khanna, learned senior counsel appearing on behalf of the N.D.M.C. and Mr.Sanjiv Sen, learned counsel appearing on behalf of the M.C.D. assure us that by the next

-5-

date fixed for hearing an appropriate compilation of the documents, list of dates and chart(s) would be placed before us. Learned counsel are also requested to formulate the questions which may arise for our consideration and the priorities required to be given thereto.

We would request Ms. Kavita Wadia, learned counsel appearing for Hawkers Association to assist us in the matter upon going through the records and prepare a chart indicating the questions involved in each of them.

Mr.M.M. Kashyap, learned counsel also assures us that he shall file a compilation of the relevant documents.

Compilation and written submissions may be filed within three weeks.

Put up four weeks hence. Liberty to mention.

In the meantime NDMC and MCD, if not, already filed shall file their response to the interlocutory applications.

[Meenu Sethi]
Court Master

[Pushap Lata Bhardwaj]
Court Master

-6-