

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.394 IN I.A.NO.356 IN WRIT PETITION(C0 NO.1699 OF 1987

SUDHIR MADAN & ORS.

Petitioner(s)

VERSUS

M.C.D. & ORS.

Respondent(s)

(For directions)

WITH

I.A.NO.366 IN WRIT PETITION(C) NO.1699 OF 1987

RAM SWAROOP & ORS. VERSUS M.C.D. & ORS.

(FOR DIRECTIONS)

WITH

I.A. NO.367 IN WRIT PETITION(C) 1699 OF 1987

RAJ KUMAR GHAI VERSUS M.C.D. & ORS.

(FOR DIRECTIONS)

WITH CONMT. PET.(C) NO.125 OF 2001

RAJENDER KUMAR VERSUS S.P.AGGARWAL & ORS.

CONMT. PET.(C) NO.126 OF 2001

HAWKERS WELFARE COMMITTEE VERSUS S.P.AGGARWAL & ANR.

CONMT. PET.(C) NO.506 OF 2002

CHANDNI CHOWK SARV VYAPAR MANDAL VERSUS RAKESH MEHTA & ORS.
(WITH APPLN.(S) FOR EXEMPTION FROM PERSONAL APPEARANCE AND FOR
DIRECTIONS/MODIFICATIONS)

I.A.NO.396 IN CONMT. PET.(C) NO.506 OF 2002

CHANDNI CHOWK SARV VYAPAR MANDAL VERSUS RAKESH MEHTA & ORS.
(FOR IMPLEADMENT)

CONMT. PET.(C) NO.D4984 OF 2003

M/S SWATANTRA BHARAT STORE VERSUS DHARSHAN LAL & ORS.

WITH

CONMT. PET.(C) NO.4985 OF 2003

M/S. BEOPAR SANGH VERSUS DHARSHAN LAL & ORS.

I.A. NO.361 IN WRIT PETITION(C) NO.1699 OF 1987

HAWKERS WELFARE COMMITTEE VERSUS M.C.D. & ORS.
(FOR DIRECTIONS)

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I.A.NO.372-373 IN WRIT PETITION(C) NO.1699 OF 1987

HAWKERS WELFARE COMMITTEE VERSUS M.C.D. & ORS.
(FOR DIRECTIONS)

(ALONGWITH THE RECORD OF CONTEMPT PETITION(C) NO.187 OF 2000)

I.A.NO.389 IN WRIT PETITION(C)NO.1699 OF 1987

HARBHAJAN SINGH BEDI VERSUS M.C.D. & ORS.
(ALONGWITH THE RECORD OF I.A. NO.356)

I.A.NO.392 IN WRIT PETITION(C)NO.1699 OF 1987

SHRI PRAMOD KUMAR & ANR. VERSUS ASSISTANCE COMMISSIONER, MCD &
ANR.
(FOR DIRECTIONS)

I.A.NO.....IN WRIT PETITION(C) NO.1699 OF 1987

RAM MOHAN GAUTAM VERSUS STATE THROUGH SECRETARY, DELHI ADMN.

(FOR INTERIM RELIEF)

WITH

WRIT PETITION(C)NO.535 OF 2001

RAJ KARAN VERSUS MUNICIPAL CORPORATION OF DELHI & ANR.

(WITH OFFICE REPORT)

CONMT. PET.(C)NO.D15102 OF 2003

SUBHASH CHAND & ORS. VERSUS O.P.BALWANI & ANR.

WRIT PETITION(C) NO.240 OF 2004

VIJAY PANDEY & ORS. VERSUS M.C.D. & ORS.

(WITH APPLN.(S) FOR EX-PARTE STAY AND OFFICE REPORT)

WITH

I.A.NOS.397-398 IN WRIT PETITION(C) NO.1699 OF 1987

OM PAL ETC. VERSUS ASSTT. COMM., M.C.D. & ANR.

(FOR DIRECTIONS)

WITH

I.A.NO.399 IN I.A. NO.394 IN WRIT PETITION(C) NO.1699 OF 1987

SUDHIR MADAN & ORS. VERSUS M.C.D. & ORS.

(FOR MODIFICATION OF COURT'S ORDER DATED 9.8.2004)

WITH

I.A.NOS.1-2 IN WRIT PETITION(C) NO.100 OF 2002

NEW LAJPAT RAI MARKET PATRI HAWKERS UNION VERSUS 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 WRIT PETITION(C)NO.1699 OF
1987

NAND KISHORE & ANR. VERSUS M.C.D. & ORS.

(FOR IMPLEADMENT)

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I.A.NO...../2005 IN IA NO.394 IN IA NO.356 IN WRIT PETITION(C) NO.1699 OF
1987

NAND KISHORE & ANR. VERSUS M.C.D. & ORS.

(FOR MODIFICATION)

I.A.NO.400 IN WRIT PETITION(C) NO.1699 OF 1987

SH. SANTOSH KUMAR VERSUS M.C.D. & ORS.

(FOR DIRECTION)

WITH

I.A.NO.401 IN I.A.NO.396 IN C.P.506 OF 2002

M/S CHANDINI CHOWK HAWKERS ASSOCIATION(REGD.) VERSUS RAKESH
MEHTA & ORS.

(APPLN. FOR MODIFICATION OF ORDER DATED 25.8.2005)

I.A.NO..... IN C.P.NO.506 OF 2002

CHANDNI CHOWK SARV VYAPAR MANDAL VERSUS SHRI RAKESH MEHTA &
ORS.

(FOR DIRECTION/MODIFICATION)

I.A.NO.402 IN WRIT PETITION(C) NO.1699 OF 1987

PRESIDENT, DELHI HAWKERS MAULIK ADHIKAR SURAKSHA MANCH VERSUS
M.C.D. & ORS.

(FOR DIRECTION TO INTIATE PROCEEDINGS UNDER SEC. 340 CRL.P.C.)

WITH

S.L.P.(C) NO.7025 OF 2003

GRAM KALYANKARI YUVA SANSTHA VERSUS M.C.D. & ANR.

(WITH PRAYER FOR INTERIM RELIEF)

WITH

CONMT. PET.(C) NO.148 OF 2006 IN WRIT PETITION(C) NO.1699 OF 1987

GAINDA RAM & ORS. VERSUS M.C.D. TOWN HALL & ORS.

WITH

WRIT PETITION(C) NO.414 OF 2006

BHOORI VERSUS STATE OF DELHI & ANR.

(WITH OFFICE REPORT)

WITH

I.A.NO.403 IN WRIT PETITION(C) NO.1699 OF 1987

MANUSHI SANGHATHAN VERSUS M.C.D. & ORS.

(FOR INTERVENTION)

WITH

I.A.NO.404 IN WRIT PETITION(C) NO.1699 OF 1987

NATIONAL ASSOCIATION OF STREET VENDORS VERSUS M.C.D. & ORS.

(FOR INTERVENTION)

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WITH

I.A.NO.406 IN WRIT PETITION(C) NO.1699 OF 1987

MINISTRY OF HOUSING & POVERTY ALLEVIATION, HEW DELHI VERSUS

M.C.D. & ORS.

(FOR IMPLEADMENT)

WITH

I.A.NO.407 IN WRIT PETITION(C) NO.1699 OF 1987

PATRI VYAPAR MANDAL DELHI(REGD.) VERSUS M.C.D. TOWN HALL & ORS.

(FOR PERMISSION TO FILE APPLN.)

WITH

CONMT. PET.(C) NO.215 OF 2006 IN WRIT PETITION(C) 1699 OF 1987

NEW PATRI VYAPAR MANDAL DELHI(REGD.) VERSUS SHRI ASHOK NIGAM

Date: 14/11/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE A.K. MATHUR

For Petitioner(s)

Mr. S.K.Sinha, Adv.

Ms. Aruna Mahtur, Adv.

For M/s Arputham Aruna & Co., Adv.

Ms. Kavita Wadia, Adv.

Mr. M.M.Kashyap, Adv.

Mrs. Usha Kumar, Adv.

Mr. K.K.Mohan, Adv.

Mrs. Gouri Karuna Das, Adv.

Ms. Anu Gupta, Adv.

Mr. Rajesh Singh, Adv.

Ms. Rani Jethmalani, Adv.

Mr. K.C.Dua, Adv.

Mr. Subramonium Prasad, Adv.

Mr. Mohan Pandey, Adv.

Mr. S.S.Bandyopadhyay, Adv.

Mr. S.N.Pandey, Adv. (In SLP(C) 7025/03)

Mr. C.S.Ashri, Adv.

Mr. Anil Kr. Gupta, Adv.

Mr. C.S.Ashri, Adv.

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Mr. Balraj Dewan, Adv.

Mr. Varinder Kumar Sharma, Adv.

Mr. Sudhir Nandrajog, Adv.

Ms. Prasanthi Prasad, Adv.

Ms. Madhu Moolchandani, Adv. (IA.397-398)

Ms. Gargi Khanna, Adv.

Mr. Sanjiv Sen, Adv.

Mr. Praveen Swarup, Adv.

Mr. Rakesh K. Khanna, Sr.Adv.

Mr. Surya Kant, Adv.

Mrs. Rashmi Khanna, Adv.

Ms. Jhanvi Woraha, Adv.

Mrs. Shelja Sinha, Adv.

Mr. Neeraj Sharma, Adv.

Dr. S.K.Verma, Adv.

Mr. Anoop G. Choudhary, Sr.Adv.

Mr. N.K.Sahoo, Adv.

Mrs. Asha G. Nair, Adv.

Mr. Shakeel Ahmed, Adv.

Ms. Rifal Ara, Adv.

Ms. Kamini Jaiswal, Adv.

Mrs. Shomila Bakshi, Adv.

Mrs. Rani Mishra, Adv.

Mr. Prashant Bhushan, Adv.

Mr. Vikas Singh, ASG

Mr. Kishan Mahajan, Adv.

Mrs. Kiran Bhardwaj, Adv.

Mr. V.K.Verma, Adv.

Ms. Kavita Wadia, Adv.

For Respondents

Mr. Shiv Kumar, Adv. (A.C.)

For M.C.D.

Mr. Sanjiv Sen, Adv.

Mr. Praveen Swarup, Adv.

Ms. Indra Sawhney, Adv.

Mr. Rajan Narain, Adv.

For M/O U.D. Mr. B.Dutta, ASG (In IA 394 in I.A.356)
Mrs. Kiran Bhardwaj, Adv.
Mr. V.K.Verma, Adv.

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For M/O U.D. Mr. Vikas Singh, ASG
Mr. Kishan Mahajan, Adv.
Mrs. Kiran Bhardwaj, Adv.
Mr. V.K.Verma, Adv.

For Delhi Police Mr. Vikas Singh, ASG
Mr. S.Wasim A.Qadri, Adv.
Mr. R.C.Kathia, Adv.
Mr. D.S.Mehra, Adv.

For NCT of Delhi Mr. Vikas Singh, ASG (In SLP(C)7025/03)
Mr. Wasim A.Qadri, Adv.
Mr. M.P.S.Tomar, Adv.
Mr. R.C.Kathia, Adv.
Ms. Anil Katiyar, Adv.

For Res.No.2 Mr. Manish Sharma, Adv. (In SLP7025/03)

UPON hearing counsel the Court made the following

O R D E R

As a last chance, we grant Municipal Corporation of Delhi time till 26th

December, 2006 to file its detailed scheme identifying the hawking and non

hawking zones.

under the Counsel for the M.C.D. States that the work is being done

direction of the Assistant Commissioner, Central Licencing & Enforcement

Cell Mr. K.D.Akolia. He gives an undertaking on his behalf that within six

weeks this work will be completed and a detailed scheme will be filed before

this Court. We grant him time, as prayed for but we make it clear that in case

the undertaking is not fulfilled, Mr. Akolia shall be held personally responsible

to this Court and if necessary, this Court will initiate proceeding under the

Contempt of Court's Act against him.

Counsel appearing on behalf of the M.C.D. assures the Court that the

scheme including the identification of the hawking and non-

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hawking zones and squatting and non-squatting zones will be filed in this Court

by 26th December, 2006 and copies thereof will be served on all interested

parties appearing before this Court.

Any party wishing to file its response to the scheme shall do so on or before 15th January, 2007.

Put up on 6th February, 2007.

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Mr. B. Dutta, learned Additional Solicitor General appearing on behalf of the Ministry of Urban Development states that he has already circulated the National Policy which has been annexed with the application. He may handover a copy thereof to all the interested parties appearing before this Court.

(Sukhbir Paul Kaur)

Court Master

(Vijay Dhawan)

Court Master