

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 W.P. (C) No. 1699/87

SUDHIR MADAN & ORS.

Petitioner(s)

VERSUS

M.C.D. & ORS.

Respondent(s)

(For directions)

WITH

I.A. No. 366 in W.P. (C) No. 1699/87

RAM SWAROOP & ORS. VS. M.C.D. & ORS. (for directions)

WITH I.A. NO. 367 IN W.P. (C) NO. 1699/87

RAJ KUMAR GHAI VS. M.C.D. & ORS. (for directions)

With Contempt Petition (C) No. 125/01

REJANDER KUMAR VS. S.P. AGGARWAL & ORS.

With Contempt Petition (C) No. 126/01

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

With Contempt Petition (C) No. 506/02

CHANDNI CHOWK SARV VYAPAR MANDAL VS. RAKESH MEHTA & ORS.

(with appln. for exemption from personal appearance and for
directions/modifications)

I.A. NO. 396 IN With Contempt Petition (C) No. 506/02

CHANDNI CHOWK SARV VYAPAR MANDAL VS. RAKESH MEHTA & ORS.

(For Impleadment)

CONTEMPT PETITION (C) NO. /2003 (D. No.4984/03)

M/S SWANTANTRA BHARAT STORE VS. DHARSHAN LAL & ORS.

CONTEMPT PETITION (C) NO. /2003 (D.No.4985/03)

M/S BEOPAR SANGH VS. DHARSHAN LAL ORS.

I.A. NO. 361 IN W.P. (C) NO. 1699/87

HAWKERS WELFARE COMMITTEE VS. M.C.D. & ORS. (for directions)

WITH

I.A. NO. 372-373 IN W.P. (C) NO. 1699/87

HAWKERS WELFARE COMMITTEE VS. M.C.D. & ORS. (for directions)

(Along with the record of Contempt Petition (C) No. 187/2000)

I.A. NO. 389 IN W.P. (C) NO. 1699/87

HARBHAJAN SINGH BEDI VS. M.C.D. & ORS.

(Along with record of I.A. No. 356)

I.A. NO. 392 IN W.P. (C) NO. 1699/87

SHRI PRAMOD KUMAR & ANR. VS. ASSISTANT COMMISSIONER, MCD & ANR.

(for directions)

I.A. NO..... IN W.P.(C) NO. 1699/87

RAM MOHAN GAUTAM VS. STATE THROUGH SECRETARY, DELHI ADMN.

(for interim relief)

...2/-

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WITH

W.P. (C) 535/01

RAJ KARAN VS. MUNICIPAL CORPORATION OF DELAHI & ANR. (With office report)

Contempt Petition (C) No. /2003 (D.No.15102/03)

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

W.P.(C) 240/04

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

(With appln. for ex-parte stay and office report)

I.A. NOS. 397-398 IN W.P. (C) NO. 1699/87

OM PAL ETC. VS. ASSTST. COMMR.,M.C.D. & ANR. (for directions)

I.A. NO. 399 IN I.A. NO. 394 IN W.P. (C) NO. 1699/87

SUDHIR MADAN & OSRS. VS. M.C.D. & ORS.

(for modification of Court's order dated 09.08.2004)

WITH

I.A. NOS. 1-2 IN W.P. (C) NO. 100/02

NEW LAJPAT RAI MARKET PATRI HAWKERS UNION VS. MUNICIPAL CORPORATION OF DELHI & ORS. (for directions and exemption from filing O.T.)

I.A. NO...../05 IN I.A. NO. 394 IN I.A. NO.356 IN W.P.(C) NO. 1699/87

NAND KISHORE & ANR. VS. M.C.D. & ORS. (for impleadment)

WITH

I.A. NO...../05 IN I.A. NO. 394 IN I.A. NO. 356 IN W.P.(C) 1699/87

NAND KISHORE & ANR. VS. M.C.D. & ORS. (for modification)

I.A. NO. 400 IN W.P.(C) NO. 1699/87

SH. SANTOSH KUMAR VS. M.C.D. & ORS. (for direction)

I.A. NO. 401 IN I.A. NO.396 IN C.P. 506/02

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

(appln. for modification of order dt. 25.08.2005)

I.A. NO.....IN C.P. NO.506/02

CHANDNI CHOWK SARV VYAPAR MANDAL VS. SH. RAKESH MEHTA & ORS.

(for direction/modification)

I.A. NO. 402 IN W.P. (C) NO. 1699/87

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

(for direction to in initiate proceedings under Section 340 Cr.P.C,)

With SLP(C) NO. 7025/03

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

(With prayer for interim relief)

WITH SLP(C) No. 8609/2006

RAM SOBET & ORS. VS. MUNICIPAL CORPN. OF DELHI & ORS.

(With prayer for interim relief and office report)

...3/-

WITH Cont. Pet. (C) No. 148/2006 in WP(C) No. 1699/1987

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

WITH WP(C) No. 414/2006

BHOORI VS. STATE OF DELHI & ORS.

(With office report)

WITH I.A.NO. 403 in W.P.(C) No. 1699/1987

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

(for intervtnion)

WITH I.A.NO. 404 in W.P.(C) No. 1699/1987

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

(for intervtnion)

WITH I.A.NO. 405 in W.P.(C) No. 1699/1987

RAM SWARUP & ORS. VS. M.C.D. & ORS.

(for Directions)

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)

Date: 19/09/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner/(s)
licants

Mr. S.K. Sinha, Adv.

App

Ms. Aruna Mathur, adv.

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

Ms. Kavita Wadia, Adv.

Mr. M.M. Kashyap, Adv.

Mrs. Usha Kumar, Adv.

Mr. Ashish Mohan, Adv.

Mr. K.K.Mohan, Adv.

Mrs. Gouri Karuna Das, Adv.

Ms. Anu Gupta, Adv.

Mr. Rajesh Singh, Adv.

Mr. Kamal Kant Tripathi, Adv.

Ms. Rani Jethmalani, Adv.

Mr. K.C. Dua, Adv.

Mr. Subramonium Prasad, Adv.

MR. S.S. Bandyopadhyay, Adv.

Mr. Mohan Pandey, Adv.

...4/-

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

Mr. C.S. Ashri, Adv.

Mr. Anil Gupta, Adv. (In IA No. 392)

Mr. Ajay Garg, Adv.

Mr. C.S. Ashri, Adv.

Mr. Balraj Dewan, Adv.

Mr. Varinder Kumar Sharma, Adv.

Mr. Sudhir Nandrajog, Adv.

Ms. Prasanthi Prasad, Adv.

Ms. Madhu Moolchandani, Adv.

Mrs. Gargi Khanna, Adv.

Mr. Sanjiv Sen, Adv.

Mr. Praveen Swarup, Adv.

Mr. Rakesh K. Khanna, Sr. Adv.

Dr. Rashmi Khanna, Adv.

Ms. Shailja Sinha, Adv.

Mr. Surya Kant, Adv.

Dr. S.K. Verma, Adv.

Mr. Anoop G. Choudhary, Sr. Adv.

Mr. N.K.Sahoo, Adv.

Mrs. Asha G. Nair, Adv.

in SLP(C) No. 8609/2006 Mr. Arvind Nayar, Adv.

Mr. S. Kumar, Adv.

Mr. T.V. George, Adv.

Ms. Kamini Jaiswal, adv.

Mrs. Shomila Bakshi, Adv.

Mrs. Rani Mishra, Adv.

Mr. Vishal Gupta, Adv.

Mr. Rohit Kumar Singh, Adv.

Ms. Parul Kaur Majithia, Adv.

Ms. Indira Unninaray, Adv.

Ms. Umang Pathak, Adv.

Mr. Prashant Kumar, Adv.

For Respondent(s)

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

For MCD

Mr. Sanjiv Sen, Adv.

Mr. Praveen Swarup, Adv.

Ms. Indra Sawhney, Adv.

Mr. Rajan Narain, Adv.

...5/-

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For M/O U.D.

Mr. Vikas Singh, ASG

Mr. Krishan Mahajan, Adv.

Mrs. Kiran Bhardwaj, adv.

Mr. V.K.Verma, Adv.

Mr. D.S. Mahra, Adv.

Mr. Rakesh K. Khanna, Sr.Adv.

Dr. Rashmi Khanna, Adv.

Ms. Jahanvi Warah, Adv.

Mr. Surya Kant, Adv.

For Delhi Police

Mr. Vikas Singh, ASG

Mr. SWA Qadri, Adv.

Mr. R.C. Kathia, Adv.

Mr. D.S. Mahra, Adv.

Mrs. Anil Katiyar, Adv.

Mr. Manish Sharma, adv.

UPON hearing counsel the Court made the following

O R D E R

Contempt Petition (C) No. 148/2006 in WP(C) No. 1699/1987

We have heard counsel for the parties. It is not disputed before us that as

of date all illegal squatters/hawkers have been removed. However, there is only one

person by name Vijay Chander, who has obtained an order of stay from the High Court

of Delhi, and on the basis of that order he is continuing his business on the pavement.

We have been shown the order dated 18th August, 2006 passed by the High

Court of Delhi. It does not appear from the said order that the attention of the learned

Judge was drawn to the orders passed by this Court, and may be that the aforesaid

order was passed in ignorance of the orders passed by this Court. In a case of this

nature it is only appropriate that the High Court should be informed of the orders

passed by this Court so that the High Court may pass appropriate orders keeping in

view the orders passed by this Court.

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We are satisfied that the order passed by this Court has been complied

with. We do not wish to proceed any further with the contempt petition. The Station

House Officer, Sadar Bazar is present in Court. His presence is not required. The

contempt notice is discharged. However, liberty is granted to the applicant or the State

or any of its authorities to move the High Court of Delhi bringing to its notice the

orders passed by this Court in the instant case.

I.A. No. 405 in WP(C) No. 1699/1987

In this matter as well, we are informed that on the strength of the orders

obtained from the High Court, several squatters are continuing to squat in the non-

hawking zone. It appears that the orders passed by this Court from time to time have

not been brought to the notice of the High Court. It will, therefore, be open to the

applicant Ram Swarup, as also the State or its authorities to bring our orders to the

notice of the High Court so that the High Court may pass appropriate orders.

This application is disposed of.

SLP(C) No. 8609/2006

List this petition on 17th October, 2006.

Remaining matters shall be listed for final disposal on 14th November, 2006.

(Ajay K. Jain)
Dhawan)

Court Master
Master

(Vijay

Court