

ITEM No.301

Court No. 1

SECTION X

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

RECORD OF PROCEEDINGS

IA No. 394 in IA 356 in Writ Petition(Civil) No.1699/1987

SUDHIR MADAN & ORS.

Petitioner (s)

VERSUS

M.C.D. & ORS.

Respondent

(s)

(for directions)

with

IA 366 in WP(C) No. 1699/1987 (Ram Swaroop & Ors. vs. MCD & Ors.)

(for directions),

IA 367 in WP(C) No. 1699/1987 (Raj Kumar Ghai vs. MCD & Ors.)

(for directions),

Contempt Petition (Civil) No. 125/2001 (Rajender Kumar vs. S P Aggarwal & Ors.),

Contempt Petition (Civil) No. 126/2001 (Hawkers Welfare Committee vs. S P Aggarwal & Anr.),

Contempt Petition (Civil) No. 506/2002 (Chandni Chowk Sarv Vyapar Mandal vs. Rakesh Mehta & Ors.) (with appln.(s) for exemption from personal appearance and directions/modifications),

IA 396 in Contempt Petition (Civil) No. 506/2002 (for impleadment),

Contempt Petition (Civil) No. D4984/2003 (M/s. Swatantra Bharat Store vs. Dharshan Lal & Ors.),

Contempt Petition (Civil) No. D4985/2003 (M/s. Beopar Sangh vs. Dharshan Lal & Ors.),

IA 361 in WP(C) No. 1699/1987 (Hawkers Welfare Committee vs. MCD & Ors.) (for directions),

IAs 372-373 in WP(C) No. 1699/1987 (Hawkers Welfare Committee vs. MCD & Ors.) (for directions)(along with the record of Contempt Petition (C) No. 187/2000),

IA 389 in WP(C) No. 1699/1987 (Harbhajan Singh Bedi vs. MCD & Ors.) (along with record of IA 356),

IA 392 in WP(C) No. 1699/1987 (Shri Pramod Kumar & Anr. vs. Assistant Commissioner, MCD & Anr.) (for directions),

I.A. No. in WP(C) No. 1699/1987 (Ram Mohan Gautam vs. State through Secretary, Delhi Admn.) (for interim relief),

WP(C) No. 535/2001 (Raj Karan vs. Municipal Corporation of Delhi & Anr.) (with office report),

Contempt Petition (Civil) No. D15102/2003 (Subhash Chand & Ors. vs. O P Balwani & Anr.),

WP(C) No. 678/2002 (Godawari Devi vs. New Delhi Municipal Council) (with appln.(s) for direction and office report),

WP(C) No. 240/2004 (Vijay Pandey & Ors. vs. M C D & Ors.) (with appln.(s) for ex-parte stay and office report),

I.A. Nos. 397-398 in WP(C) No. 1699/1987 (Om Pal etc. vs. Asstt. Commr., MCD & Anr.) (for directions),

I.A. No. 399 in I.A. No. 394 in WP(C) No. 1699/1987 (Sudhir Madan & Ors.

2

vs. MCD & Ors.) (for modification of Court's order dated 9.8.2004),

I.A. Nos. 1-2 in WP(C) No. 100/2002 (New Lajpat Rai Market Patri Hawkets Union vs. Municipal Corporation of Delhi & Ors.) (for directions and exemption from filing OT),

I.A. No. .../2005 in I.A. No. 394 in I.A. No. 356 in WP(C) No. 1699/1987 (Nand Kishore & Anr. vs. M.C.D. & Ors.) (for impleadment) and

I.A. No. .../2005 in I.A. No. 394 in I.A. No. 356 in WP(C) No. 1699/1987

IA 367 Ms. Kavita Wadia, Adv.

IA 361 Mr. M M Kashyap, Adv.

IA 372-373 Mr. Subramonium Prasad, Adv.

IA 389 Mr. Mohan Pandey, Adv.
Mr. S S Bandyopadhyay, Adv.
Mr. V N Pandey, Adv.
Mr. Neeraj Shekhar, Adv.
Mr. Soumen Talukdar, Adv.

IA 392 Mr. Anil Gupta, Adv.

3

Mr. C S Ashri, Adv.

IA ... Mr. L K Garg, Adv.
Mr. Balraj Dewan, Adv.

IAs 397-398 Ms. Madhu Moolchandani, Adv.

IA 399 Mr. Praveen Swarup, Adv.

IAs in IA 394 Mr. Rakesh K Khanna, Adv.
in IA 356 Dr. Rashmi Khanna, Adv.
Mr. Shashank Shekhar, Adv.
Mr. Surya Kant, Adv.

IA 400 Mr. M M Kashyap, Adv.

IA 401 Mr. Gouri Karuna Das, Adv.
for Ms. Rani Jethmalani, Adv.

IA in CP 506/02

Dr. S K Verma, Adv.

Mr. Ranji Thomas, Adv.

Mr. Janendra Lal, Adv.

for Janendra Lal & Co., Adv.

(for Pushpa Central Market Traders' Assn.)

Mr. Suryakant Singla, Adv.

Mr. Ajay Vir Singh, Adv.

(for M/s. Sandhya Patri Bazar Kamgar Union)

For Petitioner (s)

CP 125/01

Mr. S K Sinha, Adv.

Ms. Manita Verma, Adv.

CP 126/01

Mr. M M Kashyap, Adv.

CP 506/02

Mr. Ranjit Kumar, Sr. Adv.

Ms. Usha Kumar, Adv.

Mr. K K Mohan, Adv.

Mr. Ashish Mohan, Adv.

Mr. Sunil Kumar, Sr. Adv.

Ms. Gouri Karuna Das, Adv.

Ms. Anu Gupta, Adv.

for Ms. Rani Jethmalani, Adv. (in IA 396)

CP D4984/03 & D4985/03

Mr. K C Dua, Adv.

WP 535/01

Mr. Varinder Kumar Sharma, Adv.

CP D15102/03

Mr. Raman Duggal, Adv.

Mr. Sudhir Nandrajog, Adv.

WP 678/02

Mr. R K Maheshwari, Adv.

Mr. Raj Kumar Kaushik, Adv.

4

WP 240/04

Ms. Prasanthi Prasad, Adv.

Mr. Dileep Poolakkot, Adv.

Ms. Deepti Poolakkot, Adv.

in IAs 1-2 in WP 100/02

Mr. Sunil Kumar, Sr. Adv.

Ms. Gouri Karuna Das, Adv.

for Ms. Rani Jethmalani, Adv.

in SLP 7025/03

Mr. S N Pandey, Adv.

Mr. Chanbder Shekhar Ashri, Adv.

For Respondent (s)

On behalf of SG

Delhi Police

Mr. Gopal Subramaniam, ASG

Mr. S Wasim A Qadri, Adv.

Ms. Anil Katiyar, Adv.

MCD

Mr. Ashwani Kumar, Sr. Adv.

Mr. Sanjiv Sen, Adv.

Mr. Rajan Narain, Adv.

Mr. Praveen Swarup, Adv.

Ms. Indra Sawhney, Adv. (NP)

Mr. D S Mahra, Adv. (NP)

Mr. Rakesh K Khanna, Adv.

Ms. Rashmi Khanna, Adv.

Mr. Shashank Shekhar, Adv.

Mr. Surya Kant, Adv.

UPON hearing counsel the Court made the following

O R D E R

We have heard the learned counsel appearing on

behalf of the Municipal Corporation of Delhi (M.C.D.), New

Delhi Municipal Council (N.D.M.C.), Delhi Police and some of

the applicants/petitioners.

Mr. Ashwani Kumar, learned senior counsel appearing

on behalf of the M.C.D states that the Scheme has been

formulated and guidelines have been laid down in several

orders of this Court. What remains to be done is to make

allotment of sites having regard to the availability of

5

hawking sites. Learned counsel for the

applicants/petitioners contend that in doing so, the

authorities concerned must follow the guidelines approved by

this Court so that there is no charge of arbitrariness in the matter of allotment of sites.

The learned senior counsel appearing on behalf of the M.C.D. states that having regard to the National Policy, the guidelines laid down by this Court, and the Scheme formulated by the M.C.D./N.D.M.C., a detailed affidavit will be filed before this Court proposing the procedure/guidelines to be followed by the concerned Committees in allotting sites to the hawkers, squatters, etc. A copy thereof shall be served on the counsel for the applicants/petitioners so that on the next date they may be able to make suggestions in regard thereto. After we approve the guidelines, the Committees must immediately take up the task of making allotments, clearing the non-hawking zones and implementing the Scheme framed by them. Such an affidavit shall be filed within six weeks from today and the applicants/petitioners may file their reply within two weeks

thereafter.

In the meantime, the Committees which are yet to be constituted, should be constituted and the applications for allotment, if pending, be considered and disposed of.

The learned counsel appearing on behalf of the N.D.M.C. states that its affidavit in response to the order of this Court dated 25.8.2005 is ready and the same will be filed during the course of the day. It is stated by the learned counsel that as of date no application is pending

6

with the N.D.M.C. and all applications filed have been disposed of.

It is brought to our notice that the Chandni Chowk area has been cleared of squatters/hawkers, but policing the area is a serious responsibility. The learned Additional Solicitor General appearing for Delhi Police informs us that Delhi Police has done its best to get the area cleared of squatters/hawkers but the process is a continuous one and in

performing its duties Delhi Police requires the co-operation

of the authorities of the M.C.D. The primary responsibility

is that of the M.C.D. and we, therefore, direct the M.C.D.

to co-operate with Delhi Police and to see to it that the

area is not again encroached upon by the squatters/hawkers,

etc. Assistance whenever required by the M.C.D. should be

forthcoming from the police authorities.

Let these matters come up for further orders

immediately after expiry of eight weeks.

(D.P. WALIA)

COURT MASTER

(VIJAY DHAWAN)

COURT MASTER