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W.P(C)No. 888 OF 1996  
.PL70  
ITEM No.1

Court No. 2

SECTION PIL  
A/N MATTER

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

I.A. Nos. 9-10 in Writ Petition(Civil) No.888/1996

ALMITRA H. PATEL & ANR

Petitioner (s)

VERSUS

U O I & ORS

Respondent (s)

( for impleadment and directions ) ( for further orders)

Date : 31/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL  
HON'BLE MR. JUSTICE Y.K. SABHARWAL  
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

Amicus Curiae Mr. Gopal Jain, Adv. (N.P.)

For Applicant (s) Mr. U U Lalit, Adv.  
Mr. Tara Chandra Sharma, Ms. Neelam Sharma  
and Mr. Ajay Sharma, Advs.

For Respondent (s)  
MCD Mr. R K Maheshwari, Adv.

CPCB Mr. Vijay Panjwani, Adv.

[Mr. Altaf Ahmad, ASG and Mr. Hemant Sharma, Mr. Y P Majahan,  
Mr. V J Francis and Mr. T Mahipal (on behalf of Mr. Pradeep Misra),  
Advs. were also present]

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

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....T.....J.R

Counter affidavit filed on behalf of M.C.D. be taken on record.

Plans have been shown which clearly indicate that the proposed garbage dump is going to be constructed in a corner of a park. This will not only result in the whole park becoming a garbage dump, but it will also prevent the persons residing nearby from using the park. Alternative site for the garbage dump has been suggested by the applicant. It is open to the Corporation to examine the same, but we direct that in the park in question the structure which has been constructed by the Corporation shall not be used or permitted to be used as a garbage dump. We are quite sure that if encroachment of the footpaths in and around that area is removed by the Corporation, it shall have no difficulty in finding a location for constructing a garbage dump. The existing structure, if any, will be used as a part of the park.

I.As. are disposed of in the aforesaid terms.

(D.P. WALIA)  
Court Master

(S.L. GOYAL)  
Court Master