

ITEM NO.36

COURT NO.11

SECTION XIV

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

Petition(s) for Special Leave to Appeal (Civil) No(s).29277/2009

(From the judgement and order dated 17/04/2009 in LPA No. 766/2008
of The HIGH COURT OF DELHI AT N. DELHI)

DELHI DEVT.AUTHORITY

Petitioner(s)

VERSUS

MANUSHI SANGATHAN & ORS.

Respondent(s)

(With appln(s) for directions, permission to place addl. documents on
record and prayer for interim relief and office report)
With IA No.4 (Appln. for impleadment as party petitioner)

Date: 17/01/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)	Mr. Nikhil Goel, Adv. Mr. Marsook Bafaki, Adv.
For the Applicant	Mr. Priyadarshi Manish, Adv.
For Respondent(s)	Ms. Indira Unninar, Adv. Ms. Kirat Randhawa, Adv. [for respondent no.1] Mr. Vipul Maheshwari, Adv. Mrs. Gargi Khanna, Adv. [For NCT]

UPON hearing counsel the Court made the following

O R D E R

Interlocutory Application No.4 of 2011:

This is an application by Progressive Channels
Association of Information Technology for its
impleadment as party in SLP(C) No.29277 of 2009.

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The applicant claims to be a registered society, whose members are having shops/outlets at Nehru Place Commercial Complex. Shri V. Krishnan son of Shri N. Venkataraman has filed affidavit in support of the application by describing himself Secretary of the applicant association and claimed that he has been authorized to do so.

We have heard Shri Priyadarshi Manish, learned counsel for the applicant and perused the record. In our considered view, the application is a frivolous piece of unwarranted litigation and the same deserves to be dismissed with costs.

Arguments in the special leave petition filed by the Delhi Development Authority (for short, "the D.D.A.") against order dated 17.4.2009 passed by the Division Bench of the Delhi High Court in L.P.A. No.776

of 2008 were heard by this Court in the month of October, 2010 and the judgment was reserved on 26.10.2010 with liberty to the parties to file written submissions.

In the written submissions filed on behalf of the D.D.A., certain suggestions were made for allotment of alternative site to the hawkers in whose favour the High Court had passed the order impugned in the special leave petition. Since, the suggestions contained in the written submissions filed on behalf of the DDA were dehors the arguments made before the Court, we accepted the request of the learned counsel for the respondent for re-listing of the case so as to enable her to put forward her point of view. Thereafter, the case was adjourned on four dates at the request of the counsel appearing for either party.

Now this application has been filed which, in

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our considered view is clearly misconceived. The applicant has neither disclosed the year of its registration nor annexed the list of its members who are said to be doing business in Nehru Place Commercial Complex. It has also not been disclosed as to when the secretary or members of the Association came to know about the pendency of the special leave petition. It is difficult, if not impossible to comprehend that even though issues relating to hawking in Nehru Place is being agitated for the last more than three years, the applicant or for that reasons its members were aware of the pending litigation. The filing of this application after conclusion of the hearing of the case is nothing but an attempt to delay the disposal of the matter.

The application is accordingly dismissed with cost of Rs.50,000/-, which shall be deposited with the Supreme Court Legal Services Committee within a period of four weeks from today.

SLP(C)No.29277/2009:

Adjourned for two weeks to enable the respondents to file supplementary affidavit to bring on record some of the documents, copies of which were made available to the Court during the course of arguments.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master