

SECTION XIV
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 32452-453/2013

WITH

(PRAYER FOR INTERIM RELIEF)

AND

INTERLOCUTORY APPLICATION NO.3

(Application for intervention filed by Mr. Harish Bhardwaj applicant
in-person)

AND

INTERLOCUTORY APPLICATION NOS.38-39

(Application for impleadment filed by Mr. Narender Kumar Verma,
Advocate in SLP(C) No. 32452-53/2013)

AND

INTERLOCUTORY APPLICATION NOS.40-41

(Application for impleadment filed by Mr. R.P. Goyal, Advocate)

AND

INTERLOCUTORY APPLICATION NOS.42-43

(Application for impleadment filed by Mr. P. Narsimahan, Advocate)

AND

INTERLOCUTORY APPLICATION NOS.44-45

(Application for discharge of Advocate)

AND

INTERLOCUTORY APPLICATION NOS.46-47 & 48-49

(Application for impleadment filed by Mr. Sonal Jain, Advocate)

AND

INTERLOCUTORY APPLICATION NOS.50-51

(Application for intervention filed by Mr. Ranjan Kumar, Advocate)

AND

INTERLOCUTORY APPLICATION NOS.52-53

(Application for impleadment filed by Mr. Ritesh Kr. Choudhary,
Advocate)

AND

INTERLOCUTORY APPLICATION NOS.54-55

(Application for intervention filed by Mr. Abhijeet Sinha, Advocate)

AND

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 32845/2013

AND

INTERLOCUTORY APPLICATION NO.4

(Application for directions in SLP(C) No. 32845/2013)

AND

INTERLOCUTORY APPLICATION NO.1

(Application for permission to file SLP)

IN

CC NO. 20364/2014

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. /2014

Kalkaji Mandir Vikreta Sangathan-II & Ors. Etc. ...Petitioners
VERSUS
Mr. Piyush Joshi & Ors. Etc. ..Respondents

OFFICE REPORT

The matters alongwith applications above mentioned were listed before the Hon'ble Court on 01.03.2017, when the Court was pleased to pass the order:-

"The three-Member Committee appointed by this Court has submitted an interim report which basically pertains to three aspects, namely, (i) construction of three toilet blocks, (ii) construction of sewage line by Delhi Jal Board, and (iii) taking appropriate steps for barricading and its maintenance which would include emergency evacuation, disaster management, fire extinguisher, etc.

It is submitted by Mr. Gaurav Agrawal, learned counsel, one of the members of the Committee, that presently there are three toilet blocks which are maintained by South Delhi Municipal Corporation and three more toilet blocks are required. According to Mr. Agrawal, the land has to be allotted by the Delhi Development Authority and the construction has to be carried out by the South Delhi Municipal Corporation.

Mr. Rakesh Kumar, learned counsel appearing for the South Delhi Municipal Corporation has submitted that presently the Corporation does not have the funds to carry out the works. Mr. R.K. Bhardwaj, learned counsel appearing for the respondent No.3, Sri Kalkaji Mandir Prabhandhak Sudhar Committee, has submitted that the volunteers and their family members who have accepted to work, are inclined to contribute certain amount so that the South Delhi Municipal Corporation can proceed with the work.

Considering all the aspects, it is directed that there should be a meeting between the high level officers of the Delhi Development Authority, the South Delhi Municipal Corporation and the Delhi Jal Board. Mr. Gaurav Agrawal in consultation with the Chairman of the Delhi Development Authority, the Commissioner of South Delhi Municipal Corporation and the Chief Executive Officer of Delhi Jal Board, shall fix a neutral place where the competent authorities can meet and take a decision in the meeting. The members of the Committee and three persons from the respondents shall remain present in the meeting to give suggestions and offers with regard to finances and location.

As far as the issue of barricading is concerned, it is highlighted by Mr. Gaurav Agrawal that unless there is intervention by the high level police officers, there will be nuisance which cannot be rectified. On being asked, Ms. Pinky Anand, learned Additional Solicitor General along with Mr. P.K. Dey, learned counsel appearing for the Delhi Police, submitted that they would apprise the Commissioner of Delhi Police, who shall take a call to have the barricade wherever required. Needless to say, the

Commissioner of Police shall also consult the competent authorities who are working for disaster management and fire brigade department. The barricading which is for security and control shall be constructed in a most objective manner without being influenced by any other orders passed by any other court as the security has its own sanctity.

Mr. R.K. Bhardwaj, learned counsel appearing for the respondent No.3 has submitted that if any contribution is required for restoration and maintenance of barricades, they are prepared to extend financial cooperation apart from other help as required by the authorities. Any proposal for barricading, needless to say, will not affect the right, title and interest of any person as we have already indicated earlier that this Court is not concerned in this litigation with regard to determination of any right, title and interest of any person. It is also clarified that any contribution made shall not create any equity in favour of the contributor.

As far as the issue of sewage line is concerned, we have been apprised that the respondents have already contributed approximately Rs.91,00,000/- (Rupees ninety-one lakh only). It is submitted by Mr. Gaurav Agrawal that the Delhi Jal Board had floated a tender, but as there was a singular bidder, the same could not be considered as it was not in terms of the relevant policy of the Delhi Jal Board. It is submitted by Ms. Neha Sangwan, learned counsel appearing for the Delhi Jal Board that the finalization of tender is under process and is likely to be finalized by 31st March, 2017.

In view of the aforesaid directions and observations, we want the authorities to work in harmony and give us a complete picture with regard to all aspects within six weeks hence. The same shall be submitted individually department wise as well as through the Committee so that the Committee would be in a advantageous position to highlight the requisite issues.

Let the matter be listed on 24th April, 2017."

It is submitted that in SLP (C) Nos. 32452-32453/2013 Mr. Chirag M. Shroff, Advocate has on 20.04.2017 filed an affidavit on behalf of Delhi Jal Board with the leave of the Hon'ble Court but its copy has not been served on all the counsel appearing for the parties. However, the same is being circulated herewith as separate volume.

Service is already complete in SLP (C) Nos. 32452-32453/2013 & SLP (C) No. 32845/2013 and CC No. 20364/2014 is a fresh matter.

The matters alongwith applications above mentioned are listed before the Hon'ble Court with this Office Report.

DATED THIS THE 21st DAY OF APRIL, 2017.

ASSISTANT REGISTRAR

Copy to:

1. Mr. Balraj Dewan, Adv. Ch. No. 108 - Petitioner
2. Mr. Satyendra Kumar, Adv. Ch. No. 222 -R. No. 3
3. Mr. Arun K. Sinha, Adv. Ch. No. 136 - R..Nos. 11-14
4. Mr. Harish Bhardwaj, Applicant-in person
359/1, Chirag Delhi, New Delhi-110017
5. M/s. Mitter and Mitter Co., Adv. Ch. No. 21 - R. No. 21
6. Mr. Sarvesh Bhardwaj, Applicant-in-person
755, Chirag Delhi, New Delhi-110017
7. Mr. Rakesh Kumar, Adv. SDMC, SCBA, R. No. 7
8. Ms. Binu Tamta, Adv. Ch. No. 331 - R. No. 6
9. Mr. Sonal Jain, Adv., - Petitioner
C-23A, Sector-14, Noida-201301 (U.P)
10. Ms. Sunita Hazarika, Adv. Ch. No. 235. R. No. 19
11. Mr. B. Ramanamurthy, Adv. Library - II, R. No. 18
12. Mr. K.S. Rana, Adv. Ch. No. 106 R. Nos. 15-17 & 31-34
13. Mr. Rajender Mathur, Adv. Ch. No. 129, R. No. 20
14. Mr. Bimal Roy Jad, Adv. Ch. No. R. No. 22
15. Mr. Abhijit Sen Gupta, Adv. Ch. No. 225 R. Nos. 23-30
16. Dr. Subramaniam Swamy, Applicant-in-person
A-77, Nizamudin east, New Delhi - 110003
17. Mr. Narender Kumar Verma, Adv. SCBA
18. Mr. R.P. Goyal, Adv. SCBA
19. Mr. P. Narsimahan, Adv. Ch. No. 142
20. Mr. K.B. Rohatgi, Adv. Ch. No. 46
21. Mr. Abhijeet Sinha, Adv. SCBA
22. Mr. Chirag M. Shroff, Adv. Ch. No. 92,
23. Mr. Ranjan Kumar, Adv.
24. Mr. Ramesh K. Misra, Adv.
25. Mr. P. Parmeshwaran, Adv.
26. Mr. Ritesh Kumar Chowdhary, Adv.

ASSISTANT REGISTRAR

p-2/Avi