

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

Petition(s) for Special Leave to Appeal (C) Nos.32452-32453/2013
(Arising out of impugned final judgment and order dated 09/10/2013
in CMA No. 14098/2013 09/10/2013 in WPC No. 4924/2013 passed by the
High Court of Delhi at New Delhi)

KALKAJI MANDIR VIKRETA SANGATHAN-II & ORS Petitioner(s)
VERSUS

PIYUSH JOSHI & ORS. Respondent(s)
(With appln. (s) for discharge of advocate on record and
impleadment and intervention and interim relief and office report)
WITH S.L.P.(C) No.32845/2013
(With appln.(s) for directions and permission to file additional
documents and interim relief and office report)

S.L.P.(C)...CC 20364/2014

(With appln.(s) for permission to file SLP and office report)

Date : 01/03/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Committee Mr. Ashok Kumar Gupta, Sr. Adv.

Mr. Gaurav Agarwal, Adv.

Mr. Gopal Shankar Narain, Adv.

For Petitioner(s) Mr. Sonal Jain, AOR

Mr. Kuldip Singh, Adv.

SLP 32845/13 Mr. Ramesh K Mishra, AOR

Mr. Krishna K. Singh, Adv.

SLP CC 20364/14 Mr. Sonal Jain, AOR

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For Respondent(s) Mr. R.K. Bhardwaj, Adv.

Mr. Neeraj Bhardwaj, Adv.

Mr. Dheeraj Bhardwaj, Adv.

Mr. Satyendra Kumar, Adv.

Applicant-in-person

Mr. Abhijeet Sinha, AOR

Ms. Sonali, Adv.

Mr. V. Sridhar Reddy, Adv.

Mr. Abhijit Sengupta, AOR

Mr. Arun K. Sinha, AOR

Mr. Balraj Dewan, AOR

Mr. Bimal Roy Jad, AOR

Mr. B. Ramana Murthy, AOR

Ms. Neha Sangwan, Adv.

Mr. Chirag M. Shroff, AOR

Mrs. Pinky Anand, ASG

Mr. P.K. Dey, Adv.

Ms. Sunita Sharma, Adv.

Mr. B.K. Prasad, Adv.

Mr. D. S. Mahra, AOR

Ms. Snidha Mehra, Adv.

Ms. Somya Rathore, Adv.

Mr. M.K. Maroria, Adv.

Mr. K. S. Rana, AOR

Mr. Narender Kumar Verma, AOR

Mr. P. Narasimhan, AOR

Mr. P. Parmeswaran, AOR

Mr. Rajinder Mathur, AOR

Mr. Rakesh Kumar, AOR

Mr. Rupesh Kumar Sinha, Adv.

Mr. Rameshwar Prasad Goyal, AOR

Mr. Ranjan Kumar, AOR

Mr. Dhananjay Kumar, Adv.

Mr. Rohit Kumar Singh, AOR

Mr. Satyendra Kumar, AOR

Ms. Binu Tamta, AOR

M/s Mitter & Mitter Co.

Ms. Sumita Hazarika, AOR

Mr. Prabhas Chandra, Adv.

Ms. Sadhana Sandhu, Adv.

Mr. Vibhu Shanker Mishra, Adv.

Mr. Raj Bahadur, Adv.

Ms. Sushma Suri, AOR

Respondent-in-person

Mr. Ritesh Kumar Chowdhary, AOR

Mr. Sarvesh Bhardwaj, Intervenor-in-person

Mr. Kush Bhardwaj, In-person

Mr. Har Saroop Sharma, In-person

UPON hearing the counsel the Court made the following

O R D E R

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.

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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.

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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

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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 31 st

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 24 th

April, 2017.

(Chetan Kumar)

Court Master (H.S. Parasher)

Court Master