



2018 INSC 1094

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) NO. 4677 OF 1985

M.C. Mehta

....Petitioner

versus

Union of India & Ors.

.... Respondents

In RE. : SEALING ISSUE

(Report Nos. 129 and 131 submitted by Monitoring Committee)

J U D G M E N T

Madan B. Lokur, J.

1. The Monitoring Committee appointed by this Court by judgment and order dated 16th February, 2006¹ submitted Report No. 129 dated 18th September, 2018. It was stated in the Report that the Monitoring Committee had received information that the seal put by the Veterinary Services Department of the East Delhi Municipal Corporation (EDMC) on a property in village Gokalpur, Shahadra, North Zone, Delhi had been broken/tampered with on 16.9.2018.

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¹ M.C. Mehta v. Union of India, (2006) 3 SCC 399

2. The Report of the Monitoring Committee contains the following information:

“On the directions of Director (VS), EDMC to take action against the illegal dairies at Gokalpur village, MTI was directed to thoroughly check the area and take sealing action against any illegal dairy running at Gokalpur. MTI inspected the area and found one illegal dairy being run at H. No. 46, Kh. 299, Village Gokalpur near Panchayat Ghar, Delhi-94 by Sh. Prem Singh s/o Sh. Mahaveer Singh. As police programme has already been booked for taking action in the area, therefore, the above illegal dairy was sealed by MTI and his staff on 14.09.2018. The report of sealing alongwith necessary photographs were sent to Director (VS), EDMC and sealing action was entered in the sealing Register at Sr. No. 123.

Yesterday on 16.09.2018 (Sunday), Digital Media reports showed that above seal has been broken by Sh. Manoj Tiwari, Hon’ble M.P. Similar reports were also printed in the print media and Hon’ble M.P. was shown in the action of breaking the seal of the premises.

First Information Report of the incident has been lodged by DD(VS) at PS-Gokalpuri against all responsible persons. Further Deputy Director (Veterinary Services), Shahdara (North) Zone has fixed a programme for re-sealing the above mentioned premises at 2.30 p.m. on 17.09.2018 and SHO, Gokalpuri has been requested to provide sufficient police force.”

3. A perusal of the Monitoring Committee’s Report indicates that on 14th September, 2018 an illegal dairy being run at H. No. 46 on Kh. 299 in village Gokalpur owned by Shri Prem Singh was sealed by the Milch Tax Inspector on the directions of the Director (Veterinary Services) of the EDMC. The seal was apparently broken or tampered with by Shri Manoj Tiwari, an elected Member of Parliament (MP) on 16th September, 2018 as reported in the digital media and the print media.

4. The Report further indicates that when the breaking/tampering of the seal came to the knowledge of the Veterinary Service Department, a First Information was lodged and the premises were re-sealed on 17th September, 2018.

5. On a reading of the Report, we got the impression that the sealing was carried out in consultation with the Monitoring Committee appointed by this Court in terms of the judgment and order dated 16th February, 2006. It appeared to us that Shri Manoj Tiwari had violated orders of this Court and interfered in the administration of justice which amounted to contempt of court. Accordingly on 19th September, 2018 we issued notice to Shri Manoj Tiwari directing his personal appearance on 25th September, 2018. On that date and subsequently on 1st October, 2018 and 12th October, 2018, Shri Manoj Tiwari was present in Court. He filed a reply and the Report was taken up for consideration. We finally heard the matter on 30th October, 2018.

6. In the meanwhile, on 8th October, 2018 the Monitoring Committee filed Report No. 131 in this Court in which it annexed an article from a leading national daily of 4th October, 2018. The article mentioned that soon after the hearing on 3rd October, 2018 Shri Manoj Tiwari alleged that the Monitoring Committee is running a sealing racket in connivance with corrupt officers.

7. Report No. 131 also placed on record a document issued by the Media Department of a national political party to which the MP belongs. The document adverted to the statement reportedly made by Shri Manoj Tiwari wherein he had alleged that the Monitoring Committee is running a racket of sealing in connivance with corrupt officers.

8. When we finally took up the matter for hearing on 30th October, 2018 Shri Manoj Tiwari was present in Court along with his learned counsel and submissions were made on his behalf as well as by the learned *Amicus Curiae* on behalf of the Monitoring Committee.

9. It appears from the submissions made before us that in fact the Monitoring Committee had no role to play in the matter of sealing the premises of Shri Prem Singh who had violated the provisions of the Delhi Municipal Corporation Act, 1957. During the course of submissions, we were informed that Shri Prem Singh had paid a fine and penalty for misuse of the premises by running an unlicensed dairy and the premises de-sealed.

10. The sealing and de-sealing of Shri Prem Singh's premises had nothing to do with the Monitoring Committee which was not consulted in the matter and no direction had been given by the Monitoring Committee to seal Shri Prem Singh's premises. The sealing of the premises was an independent act carried out by the Veterinary Services Department of the EDMC and had no concern with the Monitoring Committee.

11. Notwithstanding this, there is no doubt (and this is the admitted position) that Shri Manoj Tiwari did take the law into his own hands and broke the seal or tampered with it on the premises of Shri Prem Singh on or about 16th September, 2018.

12. We are extremely pained by the machismo and brazen manner in which Shri Manoj Tiwari took the law into his own hands and broke or tampered with the seal on Shri Prem Singh's premises. We are pained because Shri Manoj Tiwari is an elected MP and hopefully a responsible citizen of Delhi. Should an elected representative of the people defy the rule of law in this manner?

13. We asked learned counsel representing Shri Manoj Tiwari the reason why he had taken the law into his own hands. The reply given to us, on instructions, was rather shocking. We were told that Shri Manoj Tiwari was a popular leader of a political party and on seeing him in that area a mob of about 1500 people had gathered and goaded him to break the seal that had been "illegally" put on the premises of Shri Prem Singh. As a result of the pressure exerted upon him by the mob, he broke or tampered with the seal. What shocked us was the rationale given by Shri Manoj Tiwari which suggested to us quite explicitly that instead of pacifying the mob and requiring the mob to act in accordance with law, Shri Manoj Tiwari acted irresponsibly by taking the law into his own hands. The

consequence of such a behaviour can be devastating in a given situation. For example, if a mob goads an elected MP to commit a far more serious offence, would it mean that the elected representative would act on the instructions of the mob and commit the offence? A large number of such situations can arise on a day to day basis and it is disconcerting to note that an elected member of a responsible political party can succumb to pressure from a mob rather than require the mob to follow the rule of law. In such a situation, the elected representative ceases to be a leader and becomes a blind follower. We need not say anything more on this subject but leave it to the better judgment of the political party to take action against Shri Manoj Tiwari, if so advised.

14. The misplaced bravado of Shri Manoj Tiwari and his chest thumping immediately after the hearing on 3rd October, 2018 and making serious but frivolous allegations against the Monitoring Committee appointed by this Court is a clear indication of how low Shri Manoj Tiwari can stoop and displays his total lack of respect for any rule of law. It seems that he is, in a sense, a rebel without a cause.

15. The shoulders of this Court and the Monitoring Committee are broad enough to take criticism in its stride and therefore we do not intend to proceed against Shri Manoj Tiwari for the reckless statement attributed to him as publicized by the Media Department of the political party. We are

of the view that pumping for apparently misplaced political propaganda has no place in our courts; this unhealthy practice needs to be strongly deprecated. We only hope, as mentioned above, that better sense prevails and undemocratic tendencies are curbed by the concerned political party.

16. The proceedings against Shri Manoj Tiwari are closed. Report Nos. 129 and 131 are also closed.

.....J
(Madan B. Lokur)

.....J
(S. Abdul Nazeer)

.....J
(Deepak Gupta)

New Delhi;
November 22, 2018