

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

Writ Petition(s)(Civil) No(s). 4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

In RE.: SEALING ISSUE

(1) IA NO. 132132/2018
(APPLN. FOR DIRECTIONS ON B/O CORRUPTION REMOVAL SOCIETY) ALONGWITH
THE ACTION TAKEN ON RECOMMENDATION OF STF FILED ON 29.11.2018.

(2) IA NO. 151202/2018
(APPLN. FOR RESTORATION OF IA NOS. 63315 AND 63318/2018 ON B/O
RASHMI SARASWAT)

(3) IA NOS. 155644 AND 155638/2018
(APPLNS. FOR RECALL OF ORDER DT. 08.10.2018 PASSED IN IA NOS.
113504 AND 113514/2018 ON B/O SANJAY NAGAR RESIDENCE WELFARE
ASSOCIATION)

(4) IA NOS. 24921 AND 25295/2018
(APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O SIDDHARTHA SINGH)

(5) IA NOS. 74715 AND 74717/2018
(APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O NATIONAL HAWKERS
FEDERATION)

(6) IA NOS. 74696 AND 74700/2018
(APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O NATIONAL HAWKERS
FEDERATION)

(7) IA NOS. 154982 AND 154986/2018
(APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O PRAVEEN KUMAR)

Date : 05-12-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Ranjit Kumar, Sr. Advocate (A.C.)

Mr. A.D.N. Rao, Advocate (A.C.)

Ms. Anitha Shenoy, Advocate (A.C.)

Mr. Rishi Raj Sharma, Adv.
Ms. Srishti Agnihotri, Adv.
Mr. Sudipto Sircar, Adv.

Petitioner-In-Person

For Respondent(s)

Mr. A.N.S. Nadkarni, ASG
Mr. S. Wasim A. Qadri, Adv.
Mr. D.L. Chidnand, Adv.
Mr. Ritesh Kumar, Adv.
Ms. Suhasini Sen, Adv.
Mr. G.S. Makker, AOR

Mr. R. Bala, Adv.
Mr. Sachin Sharma, Adv.
Mr. Pranay Ranjan, Adv.
Mr. A.K. Kaul, Adv.
Mr. Raj Bahadur Yadav, Adv.
Mr. B.V. Balram Das, Advocate

Mr. Sanjiv Sen, Sr. Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. Zaid Ali Subzposh, Adv.
Mr. Praveen Swarup, Advocate
Mr. Syed Zafar Husain, Adv.
Mr. B.C. Santosh Kumar, Adv.

Mr. Ajay Bansal, Adv.
Mr. Praveen Swarup, Adv.
Mr. Gaurav Yadava, Adv.
Ms. Veena Bansal, Adv.

Ms. Garima Prashad, Advocate
Mr. G.S. Oberoi, Adv.

Ms. Anil Katiyar, Advocate

Mr. D.N. Goburdhun, Advocate

Mr. Abhas Kumar, Advocate

Mr. Anil Grover, Adv.
Mr. Mishal Viz, Adv.
Mr. Satish Kumar, Adv.
Mr. Karunakar Mahalik, Advocate

Mr. Pradeep Misra, Adv.
Mr. Daleep Dhyani, Adv.
Mr. T. Mahipal, Advocate
Mr. Suraj Singh, Adv.

Mr. Rakesh Mishra, Advocate[NP]

Ms. Puja Sharma, Advocate [NP]

Mr. Satya Mitra, Advocate [NP]

Mr. M.M. Kashyap, Advocate [NP]

Mr. Yoginder Handoo, Adv.

Mr. Prashant Bhatnagar, Adv.

Mr. Vijay Panjwani, Adv.

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

IA NO. 132132/2018 (APPLN. FOR DIRECTIONS ON B/O CORRUPTION REMOVAL SOCIETY) ALONGWITH THE ACTION TAKEN ON RECOMMENDATION OF STF FILED ON 29.11.2018

The application is disposed of. However, the applicant may approach the Special Task Force for appropriate relief.

ACTION TAKEN ON RECOMMENDATION OF STF FILED ON 29.11.2018

1. Mr. Tarun Kapoor, the Vice Chairman of the DDA and the Chairman of the Special Task Force (STF) is present in the Court today.

The learned ASG, on taking instructions from him, says that while it is correct that regular reports have not been filed in terms of the orders passed by this Court, fortnightly report will henceforth be filed without fail by the STF.

It is further stated that the STF has received a very large number of complaints exceeding 7000 and it has become quite difficult to deal with all these complaints. So far about 3,400 complaints have been dealt with.

In view of the large number of complaints, efforts are being made to recruit additional staff. It is stated by Mr. Kapoor that additional staff will be recruited within 15 days or so or in any

case before 31.12.2018.

We expect the STF to expeditiously deal with all these complaints and take appropriate action wherever necessary. This may be done in a time bound manner.

We may note that the fact that the STF has received more than 7000 complaints indicates the magnitude of the problem of encroachments and unauthorized construction in Delhi.

2. A consolidated report of the actions taken on the recommendations of the Special Task Force has been shown to us today.

On perusal of the report, we find that the total area cleared from encroachment by the STF under permanent structures is as high as 10,71,838 sq mts. The area under temporary structures that has been cleared from encroachment is 16,99,858 sq mts. In addition, about 3,202 sq mts of roads / streets / footpaths have been cleared on both sides. This confirms the severe problems being faced by Delhi due to unauthorized construction and encroachments and the magnitude of the problem.

3. In view of the huge amount of land that has been retrieved by the Municipal Corporations under the directions of the STF, it is necessary to preserve and protect the lands so that there is no encroachment upon it once again.

Since the Commissioners of the Municipal Corporations are part of the STF, we would require the STF to look into the matter with due seriousness and protect and preserve the land that has been taken possession / retrieved from the unauthorized encroachments. Needless to say, this also includes the roads / streets / footpaths

that have been cleared by the STF with the assistance of the Municipal Corporations.

List the matter in the first week of February, 2019.

The presence of Mr. Kapoor, the Vice Chairman of the DDA and the Chairman of the STF is dispensed with.

IA NO. 151202/2018 (APPLN. FOR RESTORATION OF IA NOS. 63315 AND 63318/2018 ON B/O RASHMI SARASWAT)

Application for restoration is allowed.

IA NO. 151202/2018 is allowed.

IA NOS. 63315 AND 63318/2018

We are not inclined to entertain these applications.

The applications are accordingly dismissed. The applicant may approach the appropriate forum, if so advised.

IA NOS. 155644 AND 155638/2018 (APPLNS. FOR RECALL OF ORDER DT. 08.10.2018 PASSED IN IA NOS. 113504 AND 113514/2018 ON B/O SANJAY NAGAR RESIDENCE WELFARE ASSOCIATION)

Order dated 08.10.2018 is recalled and the applications are restored to its original number.

IA NOS. 155644 AND 155638/2018 are allowed.

IA NOS. 113504 AND 113514/2018

The applications are dismissed.

IA NOS. 24921 AND 25295/2018 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O SIDDHARTHA SINGH)

No one is present on behalf of the applicant.

The applications are dismissed for non prosecution.

IA NOS. 74715 AND 74717/2018 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O NATIONAL HAWKERS FEDERATION)

No one is present on behalf of the applicant.

The applications are dismissed for non prosecution.

IA NOS. 74696 AND 74700/2018 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O NATIONAL HAWKERS FEDERATION)

No one is present on behalf of the applicant.

The applications are dismissed for non prosecution.

IA NOS. 154982 AND 154986/2018 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O PRAVEEN KUMAR)

No one is present on behalf of the applicant.

The applications are dismissed for non prosecution.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
ASSISTANT REGISTRAR