

ITEM NO.62

COURT NO.2

SECTION PIL-W

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

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) ONLY ISSUE OF ADVANCE NOTICE BEFORE SEALING IN REPORT NO. 128
SUBMITTED BY MONITORING COMMITTEE

Date : 02-11-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE R. SUBHASH REDDY

Mr. Ranjit Kumar, Sr. Adv. (A.C.)
Mr. A.D.N. Rao, Advocate (A.C.)
Ms. Anitha Shenoy, Advocate (A.C.)
Mr. Rishi Raj Sharma, Adv.
Mr. Sudipto Sircar, Adv.
Ms. Srishti Agnihotri, Adv.
Ms. Soumya Singh, Adv.

For Petitioner(s) Petitioner-in-person

For Respondent(s)

UOI

Mr. A.N.S. Nadkarni, ASG
Mr. R. Balasubramanian, Adv.
Mr. Sachin Sharma, Adv.
Mr. Pranay Ranjan, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Raj Bahadur Yadav, Adv.
Mr. Ritesh Kumar, Adv.
Ms. Suhasini Sen, Adv.
Mr. A.K. Kaul, Adv.
Ms. Aarti Sharma, Adv.
Mr. G.S. Makker, Adv.
Ms. Anil Katiyar, Advocate
Mr. B.V. Balram Das, Advocate
Mr. Arvind Kumar Sharma, Advocate
Ms. Rachna Gupta, Adv.

	Mr. Vikas Chaudhary, Adv.
DDA	Ms. Garima Prasad, Adv. Mr. G.S. Oberoi, Adv.
NCT of Delhi	Mr. D.N. Goburdhun, Advocate Ms. Gauri Goburdhun, Adv. Ms. Pallavi Chopra, Adv. Mr. Chirag M. Shroff, Adv. Ms. Neha Sangwan, Adv. Ms. Joyshree Barman, Adv.
MCD	Mr. Sanjiv Sen, Sr. Adv. Mr. S. Wasim A. Qadri, Adv. Mr. Praveen Swarup, Advocate Mr. Ajay Bansal, Adv. Ms. Veena Bansal, Adv. Mr. Gaurav Yadva, Adv. Mr. Sayan Ray, Adv. Mr. Soumo Palit, Adv. Mr. Gaurang Kanth, Adv. Mr. B.C. Santosh Kumar, Adv. Mr. S. Wasim A. Qadri, Adv. Mr. Zaid Ali Subzposh, Adv. Mr. Pravin Swaroop, Adv. Mr. Ajay Bansal, Adv. Mr. Gaurav Yadava, Adv.
NDMC	Mr. Yoginder Handoo, Adv. Mr. Prashant Bhatnagar, Adv.
CPCB	Mr. Vijay Panjwani, Adv.

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

REPORT NO.128 (ISSUE OF ADVANCE NOTICE BEFORE SEALING)

We have heard learned *amicus curiae* and learned Additional Solicitor General appearing for the Union of India.

It is a little unfortunate that the Union of India is not willing to assist in improving the living conditions of people in Delhi, particularly with regard to misuse of

properties. We have experienced over the last few days of hearing an unfortunate non-responsive/non-cooperative attitude of the Union of India in this regard despite the existence of a critical situation.

Be that as it may, yesterday, i.e., on 1st November, 2018, we had heard learned *amicus curiae* who made certain reasonable recommendations for sealing of premises that are being misused. The suggestions were made in the context that misuser of premises for purposes other than what they are authorized can have very serious and dangerous consequences. We are not unaware of the fact that fires have engulfed buildings which do not have necessary safety requirements not only in Delhi, but also in Mumbai and other places causing the death of the people. In spite of that, we are faced with a situation which we have mentioned above.

Today, learned Additional Solicitor General informs us that the Union of India has nothing to say in the matter and reiterates what it has already been said in the affidavit which is just to further complicate the process of sealing of premises being misused without having any regard to the safety of persons and premises.

Under the circumstances, the proposal given by learned *amicus curiae* which we find to be reasonable, is accepted with the only change that the affidavit that is required to be filed as mentioned in one of the subparagraphs of Paragraph 3 of the order dated 1st November,

2018 should be filed within 48 hours.

The proposal given by learned *amicus curiae* which forms part of the order dated 1st November, 2018 will, therefore, be a direction of this Court and the Union of India as well as local authorities are directed to give adequate publicity to the sealing procedure in the print and electronic media so that anybody who is misusing the premises is aware of the procedure to be followed and the consequences that will follow.

The above directions are in partial modification of order dated 18th July, 2018 and are limited to misuser of premises.

Report No.128 stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR

ITEM NO.62

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

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(In RE.: SEALING ISSUE)

(2) REPORT NO. 133 SUBMITTED BY MONITORING COMMITTEE

Date : 02-11-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE R. SUBHASH REDDY

Mr. Ranjit Kumar, Sr. Adv. (A.C.)
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Mr. Rishi Raj Sharma, Adv.
Mr. Sudipto Sircar, Adv.
Ms. Srishti Agnihotri, Adv.
Ms. Soumya Singh, Adv.

For Petitioner(s) Petitioner-in-person

For Respondent(s)

UOI

Mr. A.N.S. Nadkarni, ASG
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Mr. Pranay Ranjan, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Raj Bahadur Yadav, Adv.
Mr. Ritesh Kumar, Adv.
Ms. Suhasini Sen, Adv.
Mr. A.K. Kaul, Adv.
Ms. Aarti Sharma, Adv.
Mr. G.S. Makker, Adv.
Ms. Anil Katiyar, Advocate
Mr. B.V. Balram Das, Advocate
Mr. Arvind Kumar Sharma, Advocate
Ms. Rachna Gupta, Adv.
Mr. Vikas Chaudhary, Adv.

DDA	Ms. Garima Prasad, Adv. Mr. G.S. Oberoi, Adv.
NCT of Delhi	Mr. D.N. Goburdhun, Advocate Ms. Gauri Goburdhun, Adv. Ms. Pallavi Chopra, Adv. Mr. Chirag M. Shroff, Adv. Ms. Neha Sangwan, Adv. Ms. Joyshree Barman, Adv.
MCD	Mr. Sanjiv Sen, Sr. Adv. Mr. S. Wasim A. Qadri, Adv. Mr. Praveen Swarup, Advocate Mr. Ajay Bansal, Adv. Ms. Veena Bansal, Adv. Mr. Gaurav Yadva, Adv. Mr. Sayan Ray, Adv. Mr. Soumo Palit, Adv. Mr. Gaurang Kanth, Adv. Mr. B.C. Santosh Kumar, Adv. Mr. S. Wasim A. Qadri, Adv. Mr. Zaid Ali Subzposh, Adv. Mr. Pravin Swaroop, Adv. Mr. Ajay Bansal, Adv. Mr. Gaurav Yadava, Adv.
NDMC	Mr. Yoginder Handoo, Adv. Mr. Prashant Bhatnagar, Adv.
CPCB	Mr. Vijay Panjwani, Adv.

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

Report No.133 (Regarding non-cooperation by Land and Development Office in Sealing Matters)

An affidavit has been handed over by the Land and Development Officer (L&DO) in Court today.

It is stated that a complete survey of properties has been conducted with the assistance of the concerned officers of the Municipal Corporations. The areas surveyed are Andha Mughal, Motia Khan, Sarai Rohilla and

Amar Colony. The total number of properties/tenements in all the above four localities comes to 2,354. In the process of survey, violations in the nature of encroachments, misuse and unauthorized constructions were noted and compiled.

Yesterday, it was stated before us by learned Additional Solicitor general that the analysis of the data and information gathered is going on.

Today, he states that the analysis will be completed within a period of two weeks excluding about one week on account of Diwali holidays. In otherwords, the entire exercise will be completed within a period of three weeks.

After the analysis is completed and a report prepared, two copies thereof should be handed over to learned *amicus curiae*.

It is further stated in the affidavit that some properties have not been surveyed and the reason given for this is that they have already been sealed. It is, therefore, prayed that orders may be passed for desealing these properties temporarily so that a decision can be taken in respect of these properties also by the competent authority. We are told that the number of such properties are 400, but applications for desealing have been received in respect of only 250 properties.

Be that as it may, learned *amicus curiae* submits that there is no objection if all 400 properties are desealed

after the report is submitted so that comprehensive survey is carried out.

On the next date of hearing, learned Additional Solicitor General should advise us how much time they require for conducting the survey and for analysing the data of these 400 properties.

List the Report on 6th December, 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR

ITEM NO.62

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

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(In RE.: SEALING ISSUE)

(3) REPORT NO. 134 SUBMITTED BY MONITORING COMMITTEE

Date : 02-11-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE R. SUBHASH REDDY

Mr. Ranjit Kumar, Sr. Adv. (A.C.)
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Ms. Anitha Shenoy, Advocate (A.C.)
Mr. Rishi Raj Sharma, Adv.
Mr. Sudipto Sircar, Adv.
Ms. Srishti Agnihotri, Adv.
Ms. Soumya Singh, Adv.

For Petitioner(s) Petitioner-in-person

For Respondent(s)

UOI

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Mr. Sachin Sharma, Adv.
Mr. Pranay Ranjan, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Raj Bahadur Yadav, Adv.
Mr. Ritesh Kumar, Adv.
Ms. Suhasini Sen, Adv.
Mr. A.K. Kaul, Adv.
Ms. Aarti Sharma, Adv.
Mr. G.S. Makker, Adv.
Ms. Anil Katiyar, Advocate
Mr. B.V. Balram Das, Advocate
Mr. Arvind Kumar Sharma, Advocate
Ms. Rachna Gupta, Adv.
Mr. Vikas Chaudhary, Adv.

DDA	Ms. Garima Prasad, Adv. Mr. G.S. Oberoi, Adv.
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MCD	Mr. Sanjiv Sen, Sr. Adv. Mr. S. Wasim A. Qadri, Adv. Mr. Praveen Swarup, Advocate Mr. Ajay Bansal, Adv. Ms. Veena Bansal, Adv. Mr. Gaurav Yadva, Adv. Mr. Sayan Ray, Adv. Mr. Soumo Palit, Adv. Mr. Gaurang Kanth, Adv. Mr. B.C. Santosh Kumar, Adv. Mr. S. Wasim A. Qadri, Adv. Mr. Zaid Ali Subzposh, Adv. Mr. Pravin Swaroop, Adv. Mr. Ajay Bansal, Adv. Mr. Gaurav Yadava, Adv.
NDMC	Mr. Yoginder Handoo, Adv. Mr. Prashant Bhatnagar, Adv.
CPCB	Mr. Vijay Panjwani, Adv.

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

Report No.134 (Regarding violation of MPD-2021 and building bye-laws in Motels and Farm Houses in Delhi)

The Monitoring Committee has submitted the aforesaid Report. The Monitoring Committee should endeavour to upload it on the website during the course of the day.

We would like the South Delhi Municipal Corporation to respond to the report within fifteen days.

Mr. Sanjiv Sen, learned senior counsel appearing on behalf of the South Delhi Municipal Corporation says that an endeavour will be made to submit the report within fifteen days.

List the Report on 6th December, 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR

ITEM NO.62

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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

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

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

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(In RE.: SEALING ISSUE)

(4) IA NOS. 158058, 158060 AND 158061/2018 (APPLNS. FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING RETYPED COPIES OF DIM DOCUMENTS ON B/O BIRD TRAVELS (P) LTD. AND ANR.)

Date : 02-11-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE R. SUBHASH REDDY

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

For Petitioner(s) Petitioner-in-person

For Respondent(s)

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Mr. Pravin Swaroop, Adv.
Mr. Ajay Bansal, Adv.
Mr. Gaurav Yadava, Adv.

NDMC

Mr. Yoginder Handoo, Adv.
Mr. Prashant Bhatnagar, Adv.

CPCB

Mr. Vijay Panjwani, Adv.

Applicant

Mr. Kapil Sibal, Sr. Adv.
Mr. Gopal Jain, Sr. Adv.
Mr. Amir Singh Pasrich, Adv.
Mr. Kalyan Arambam, Adv.
Mr. Siddharth Sanewal, Adv.
Mr. Virender Mehta, Adv.
Mr. R.K. Mehta, Adv.
Mr. Anuj Beri, Adv.
Ms. Meera Mathur, AOR

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

IA NOS. 158058, 158060 AND 158061/2018 (APPLNS. FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING RETYPED COPIES OF DIM DOCUMENTS ON B/O BIRD TRAVELS (P) LTD. AND ANR.)

Application for exemption from filing retyped copies of dim documents is allowed.

Application for intervention is allowed only for the purpose of application for direction (IA No.158060).

Learned *amicus curiae* may respond to the application for direction.

The Monitoring Committee as well as the South Delhi Municipal Corporation may inspect the property again and videograph the property and submit a report on 12th November, 2018.

We leave it to the wisdom of the Monitoring Committee as well as the South Delhi Municipal Corporation to take a call whether any part of the property is required to be desealed.

List the application on 12th November, 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR