

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)

(1) SEALING ISSUE:

REPORT NO. 127 SUBMITTED BY MONITORING COMMITTEE REGARDING BURARI AREA (NORTH MCD)

(2) IN RE: RELOCATION OF INDUSTRIES IN DELHI
PROGRESS REPORTS RECEIVED FROM MONITORING COMMITTEE

Date : 24-08-2018 This petition was called on for hearing today. :

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK 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. Sudipto Sircar, Adv.

Ms. Srishti Agnihotri, Adv.

Ms. Saumya Singh, Adv.

Ms. Remya Raj, Adv.

Mr. Rahul Mishra, Adv.

Petitioner-In-Person

For Respondent(S) Mr. A.N.S. Nadkarni, ASG

Mr. S. Wasim A. Qadri, Adv.

Mr. D.L. Chidanand, Adv.

Mr. Ritesh Kumar, Adv.

Ms. Suhasini Sen, Adv.

Mr. R. Bala, Adv.

Mr. Sachin Sharma, Adv.

Mr. Pranay Ranjan, Adv.

Ms. Aarti Sharma, Adv.

Mr. A.K. Kaul, Adv.

Mr. Raj Bahadur, Adv.

Mr. G.S. Makker, AOR

Mr. B.V. Balram Das, Advocate

Ms. Anil Katiyar, Advocate

Mr. D.N. Goburdhun, Advocate [NP]

Mr. Vijay Panjwani, Adv.

Mr. Praveen Swarup, Advocate [NP]

Ms. Garima Prashad, Advocate [NP]

UPON hearing the counsel the Court made the following

O R D E R

Report No. 127 dated 20.08.2018

We have seen Report No.127 of the Monitoring Committee and have noted the following:

1. Burari Area (North MCD)

The land is agricultural land but several multi-storeyed buildings have come up in the area and on a personal inspection made on 06.08.2018, it was found that constructions are going on.

There is hardly any vacant land in that area and there is no agricultural land in the area.

The Monitoring Committee has already noted that even water bodies have been encroached upon and a large number of trees have been cut down. Along with the report, Google Maps of 2002, 2007 and 2017 clearly bring out the unauthorized constructions, which have been annexed to the Report.

It is further stated that in spite of huge amount of unauthorized constructions, the Deputy Commissioner concerned has taken action for demolition only against 35 properties.

It is further stated that as many as 30 unauthorized colonies have come up in Burari area and adjacent villages which have all been included in the list of "Unauthorized to be Regularized

Colonies” and for these provisional regularization Certificates have been given to these unauthorized colonies.

The Monitoring Committee has expressed the view that there is dismal state of affairs in the “unauthorized to be regularized colonies”.

2. Vishwas Nagar (EDMC)

It is stated by the Monitoring Committee that there are approximately 800 Godowns/negative industries functioning in the residential premises.

It is stated that sealing action started on 16.08.2018 and only 78 properties were sealed.

3. Kishan Garh, South Zone (SDMC)

The Monitoring Committee accompanied by DDA and MCD officers inspected the area of Kishangarh on 10.08.2018 and noticed large scale unauthorized construction has already been built up and also ongoing on DDA land. There are a large number of multi-storeyed buildings on encroached government land including land belonging to the Forest Department.

The land of the DDA has been occupied illegally but no action has been taken by the DDA in this regard. Photographs have already been annexed along with the Report.

4. Encroachment of DDA land at Karkardooma Metro Station (EDMC)

The Monitoring Committee along with DDA and MCD officers visited and inspected premises of Karkardooma Metro Station and

noticed encroachment on DDA land and huge unauthorized construction on the premises besides few shops constructed illegally.

It is further stated that there is a small Mandir on the encroached land along with construction of various rooms which are being used as offices and residences of a family. The occupants prevented the Monitoring Committee accompanied by the DDA and MCD officers from inspecting the back portions of these residential premises.

Obviously, it appears that the occupants are influential and powerful enough to prevent inspection of the premises.

5. Bhatti Mines area of SDMC

It is stated that there is a large encroachment of Revenue / Forest land in Bhatti Mines and adjoining areas. This has been reported by the District Magistrate (South) who has been requested to take necessary action.

The Report of the Monitoring Committee notes very dismal state of affairs. We only hope that the Task Force appointed on the suggestion of the learned Attorney General for India acts on the Report of the Monitoring Committee and takes urgent action.

Report No. 127 stands adjourned for compliance.

Note dated 21.08.2018 submitted by the Monitoring Committee

There is no appearance on behalf of New Delhi Municipal Council.

It is submitted by the learned Amicus that all necessary facilities are to be provided by the MCD to the Members of the

Monitoring Committee including the facility of transport, secretarial services, honorarium etc.

After trifurcation of the erstwhile MCD, this is proposed to be taken over by the Chairman, New Delhi Municipal Council. The Note dated 21.08.2018 in this regard has been placed before us by the learned Amicus in this regard. It should be taken on record.

In view of the willingness shown by the Chairman, NDMC, the NDMC will provide all necessary facilities including the facility of transport, secretarial services, honorarium etc.

The note stands disposed of.

Report Nos. 43-47 of the Monitoring Committee for relocation of industries in Delhi.

The aforesaid Monitoring Committee comprises of (i) the Chief Secretary of Delhi (ii) the Commissioner of Police, Delhi (iii) the Commissioner, Municipal Corporation of Delhi and (iv) the Vice Chairman of Delhi Development Authority.

With the trifurcation of the Municipal Corporation of Delhi, the composition of the Committee will now consist of the Commissioners of the three Municipal Corporations.

This Committee was constituted by an order of this Court passed in M.C. Mehta v. Union of India & Ors. [(2004) 6 SCC 588].

In the directions given by this Court, it was mentioned that the Monitoring Committee would be responsible for stoppage of illegal industrial activity and to appoint responsible officers subordinate to them to oversee and ensure compliance of the directions contained in the judgment.

The reports including the aforesaid reports have been filed from time to time by the Monitoring Committee. It appears that relocation is not implemented in letter and spirit.

We would like the Monitoring Committee to file a consolidated report under its own signature and not under the signature of any officer subordinate to the Monitoring Committee.

The consolidated status report will be signed by each member of the Monitoring Committee and should be filed within three weeks from today.

List the matter on 05.10.2018.

Circular reg. amendment of Master Plan

No one is present on behalf of the DDA.

The learned Amicus informs us that as per his information, the circular appears to have been issued for implementation of the amendment of the Master Plan allowing illegal shopping centres by the SDMC.

Since there is no appearance on behalf of the DDA and Mr. Qadri, learned counsel appearing on behalf of SDMC says that he has no instructions, the learned ASG, under these circumstances, says that he will advise accordingly.

List the matter on 28.08.2018.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER