

ITEM NO.51

COURT NO.4

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

"ONLY" REPORTS DATED 12.4.2016, 30.10.2017 AND 10.1.2018
SUBMITTED BY MONITORING COMMITTEE IN W.P. (C) NO. 4677/1985
ALONGWITH WRIT PETITIONS TRANSFERRED FROM HIGH COURT OF DELHI
ALONGWITH OFFICE REPORT FOR DIRECTIONS ARE LISTED ON 15.1.2018.

(MATTER IS TO BE TAKEN UP AT THE END OF THE BOARD))

Date : 15-01-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

Appearing for the Parties.

Mr. Ranjit Kumar, SrAdv. (A.C.)
Mr. A.D.N. Rao, Advocate (A.C.)
Ms. Anitha Shenoy, Adv. (AC)
Ms. Shrishti Agnihotri, Adv.
Mr. Sudipto Sircar, Adv.
Ms. Tulika Chikker, Adv.

Petitioner-n-person

Mr. A.K. Panda, Sr.Adv.
Mr. Ajay Kumar Singh, Adv.
Mr. R.K. Rathore, Adv.
Mr. B.V. Balram Das, Adv.

Mr. Praveen Swarup, Adv.

r. Surya Kant, Adv.

Mr. Vishnu B. Sahraya, Adv.
Mr. Viresh B. Saharaya, Adv.

Ms. Anil Katiyar, Adv.
Mr. D.N. Goburdhan, Adv.
Mr. Shree Pal Singh, Adv.
Mr.S.K. Bhattacharya, Adv.
Mr. Abhinav Mukherji, Adv.
Mr. Psrakash Kumar Singh, Adv. ADVOCATE
Mr.. S. Chandra Shekhar, Adv.
Ms. Prasanthi Prasad, Adv.
Ms. Kamakshi S. Mehalwal, Adv.
Mr. V.K. Vverma, Adv.
Mr. Mushtaq Ahmad, Adv.
Mr. Vishnu B. Sharyana, Adv.fpr
M/S Saharya & Co.
M/s Law Associstes, Adv.
Mr. Prashant Bhushan, Adv.
Mr. R.D. Upadhyay, Adv.
Mr. Prakash Kumar Singh, Adv.
Mr. Manu Shanker Mishra, Adv.
Mr. Anil Grover, Adv.
Mr. Satish Kumar, Adv.
Ms. Priya Puri, Adv.
Ms. Vijay Lakshmi Gautam, Adv.
Mr. Rranjay Kr. Dubey, Adv.
Mr. Swanentra Rai, Adv.
Mr. S.K. Puri, Adv.

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

It has been stated by the learned Amicus Curiae that an order restraining the Monitoring Committee constituted by this Court from carrying out certain functions did not mean that the

statutory authorities such as the Municipal Corporation of Delhi, Delhi Development Authority, New Delhi Municipal Council, the Land and Development Officer and other statutory authorities in Delhi were also restrained from carrying out statutory duties. We agree with this submission.

It is submitted, on the contrary, that the order passed by this Court referred to the obligation of these statutory and other authorities in carrying out their duties. Unfortunately for some reasons which does not appear to be bona fide, the statutory authorities have not performed their statutory obligations resulting in complete break down of the rule of law in Delhi in respect of encroachments, unauthorized constructions, misuse of residential premises etc.etc.

We make it clear that the Monitoring Committee is fully entitled to carry out the functions for which it was constituted in accordance with the directions of this Court for assisting in implementation of the law. The statutory authorities and other authorities are not prohibited from carrying out their statutory duties on the contrary they are obliged by law to carry out their statutory duties.

The learned Amicus Curiae submitted that there is consensus between the Monitoring Committee and the Municipal Corporation of Delhi that 140 roads in Shahdara North, Rohini, Central, South and West Zones should be de-notified. No action has

been taken in this regard since sometime in 2012. We would like the Municipal Corporation of Delhi to explain the inaction on this aspect for more than 5 years.

It is also stated by the learned Amicus that unauthorized construction is going on in Delhi and very serious questions arise with regard to the existence of the rule of law in Delhi in respect of unauthorized constructions, encroachments etc.

He submits that these petitions deserve to be heard early since there is apparently a willful misunderstanding and misreading of the laws and inaction by statutory and other authorities. Under the circumstances, list the matter for final disposal on 15th February, 2018.

The learned counsel appearing for the statutory and other authorities should file their written submissions on or before the 7th February, 2018. The Union of India will also make its stand clear on or before 7th February, 2018.

The records from the Delhi High Court may be summoned.

(USHA RANI BHARDWAJ)
AR CUM PS

(KAILASH CHANDER)
COURT MASTER