

ITEM NO.1

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

I.A. NOS. 93010 AND 93007/17

(APPLNS. FOR PERMISSION AND EXTENSION OF TIME ON BEHALF OF  
VISHVJYOTI OVERSEAS(P) LTD. AND ORS.)

IA NO. 92993/17

(APPLN. FOR EXTENSION OF TIME ON B/O ABHA BANSAL)

IA NOS. 96652 -96653/17

(APPLNS. FOR PERMISSION AND EXTENSION OF TIME ON BEHALF OF SUMAN  
BALA AND ANR.)

I.A. NOS. 100263 AND 100265/17

(APPLNS. FOR PERMISSION AND EXTENSION OF TIME ON B/O CHANDRANI  
PEARLS PVT. LTD.)

IA NO. 102808/2017

(APPLN. FOR EXTENSION OF TIME ON B/O ANGELA YEP)

Date : 06-12-2017 These applications were called on for hearing  
today.

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

*Amicus* Mr. A.D.N. Rao, Adv.

Ms. Anitha Shenoy, Advocate (A.C.)  
Ms. Rashmi Nanda Kumar, Adv.  
Ms. Sristi Agnihotri, Adv.

For Petitioner(s) Petitioner-in-person

For Respondent(s) Mr. A.N.S. Nadkarni, ASG  
Mr. A.K. Panda, Sr. Adv.

Mr. R. Bala, Adv.  
Mr. W.A. Qadri, Adv.  
Mr. D.L. Chidananda, Adv.  
Mr. Zaid Ali, Adv.  
Mr. Ritesh Kumar, Adv.  
Mr. Ajay Kr. Singh, Adv.  
Mr. R.K. Rathore, Adv.  
Mr. B.V. Balram Das, Adv.  
Mr. B.K. Prasad, Advocate

CPCB

Mr. Vijay Panjwani, Adv.

96652 -96653

Ms. Amita Gupta, Advocate

93010 AND 93007

Mr. Huzefa Ahmadi, Sr. Adv.  
Mr. Rajnish Singh, Adv.  
Mr. Sudhir Naagar, Advocate

Mr. Nikilesh Ramachandran, Advocate  
Mr. Dinesh Kumar, Adv.  
Mr. Navdeep Jain, Adv.  
Mr. Niraj Jha, Adv.  
Ms. Rekha Choudhary, Adv.

Mr. K.K. Mohan, Advocate

Ms. Minakshi Vij, Advocate

UPON hearing the counsel the Court made the following

O R D E R

I.A. NOS. 93010 AND 93007/17

Arguments heard.

Orders reserved.

IA NO. 92993/17

Learned counsel for the applicant says that he will file a better and clear affidavit indicating the reason for sealing of the premises in question.

List the application after needful is done.

IA NOS. 96652 -96653/17

Learned counsel for the applicant says that she will file a better and clear affidavit indicating the reason for sealing of the premises in question.

List the applications after needful is done.

I.A. NOS. 100263 AND 100265/17

No one is present on behalf of the applicant.

The applications are dismissed for non prosecution.

IA NO. 102808/2017

Learned counsel for the applicant says that she will file a better and clear affidavit indicating the charges and the date of payment and the reasons for sealing of the premises.

Reports dated 12.04.2016 and 30.10.2017

We have seen Reports dated 12.04.2016 and 30.10.2017 filed by the Monitoring Committee.

The Monitoring Committee was set up by an order dated 24.03.2006 passed by this Court. In that order, it was stated that to oversee the implementation of the law relating to sealing of offending premises, it is necessary to set up a Monitoring Committee. Consequently, the Monitoring Committee comprising of Mr. K.J. Rao, Former Advisor to the Election Commissioner, Mr. Bhure Lal, Chairman, EPCA and Major General (Retd.) Som Jhingan was

set up. It was directed that necessary facilities will be supplied to the Monitoring Committee, including the facility of transport, secretarial service, honorarium etc.

Over the years, we have been given to understand that the Monitoring Committee has been doing exceptionally good work of identifying and preventing/sealing unauthorized premises in Delhi.

On 03.01.2012, this Court expected, hoped and believed that the authorities in Delhi would carry out their statutory duties and therefore passed an order to the effect that the Monitoring Committee shall not further seal any premises. The hope, expectation and trust that this Court reposed in the concerned officers seems to have been completely belied as is apparent from the reading of the Reports dated 12.04.2016 30.10.2017.

Our attention has particularly been drawn to the establishment of an unauthorized colony namely Sai Kunj in Mehrauli. This has been dealt with by the Monitoring Committee in its Report dated 30.10.2017. The unauthorized colony on agricultural land comes under the jurisdiction of the South Delhi Municipal Corporation. We have mentioned this particular colony only by way of an example. There are several other similar examples which can be found from a reading of the Reports dated 12.04.2016 and 30.10.2017.

We propose to go into each of these cases individually at an appropriate time. For the present, we would like the Commissioner of the South Delhi Municipal Corporation to be present in Court on the next date of hearing and inform us what are the statutory duties conferred upon him and his subordinate officers and why they

are not being carried out. *Prima facie*, it appears to us that the rule of law with regard to the sanction and construction of buildings in Delhi seems to have completely broken down.

Since the issue of unauthorized construction also has a vital impact on the environment in Delhi in terms of sewage and other related issues such as parking, waste management etc., we would like the assistance of the learned ASG who is appearing on behalf of the Ministry of Environment, Forests and Climate Change. We need his assistance so that there is no further break down of the rule of law in so far as construction activities are concerned.

In view of the failure of the statutory authorities to check unauthorized constructions and its misuse in Delhi, we also propose to restore the powers of the Monitoring Committee to identify and seal unauthorized premises / construction.

We would like to hear learned counsel for the parties in this regard.

List the matter on 14.12.2017.

(MEENAKSHI KOHLI)  
COURT MASTER

(KAILASH CHANDER)  
COURT MASTER