

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

IA No. 2555 in IA NO. 1851-1853 in IA 1174 in IA 22 in
Writ Petition © No. 4677 of 1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For direction/modification of order dated 29.9.2011 and office report)
IA No. 2567 in IA No. 2555 in IA 1851-1853 in IA 1174 in IA 22 in WP(C)
No.4677/1985
[M.C. MEHTA V. U.O.I. & ORS.]
(For amendment of IA NO. 2555)

Date: 20/11/2012 These Applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE H.L. GOKHALE

Mr. Ranjit Kumar, Sr. Adv. (A.C.)

For Petitioner(s) Mr. M.C. Mehta
in person (NP)

For Applicant (s) Mr. Sanjiv Sen, Adv.
Ms. Anu Gupta, Adv.
Mr. Devesh Singh, Adv.
Mr. V.K. Jain, Adv.
Mr. Prakhar Sharma, Adv.

For Respondent(s)
For UOI Mr. J.S. Attri, Sr. Adv.
Ms. Asha G. Nair, Adv.
Ms. Gargi Khanna, Adv.
Ms. Sukhbeer Kaur Bajwa, Adv.
Ms. Priyanka Bharihoke, Adv.
Mr. B. Krishna Prasad, Adv.
Mr. Shreekant N. Terdal, Adv.
Mr. D.S. Mahra, Adv.

For NCT of Delhi Mr. S. Wasim A. Qadri, Adv.
Ms. Gargi Khanna, Adv.
Mr. D.S. Mahra, Adv.

Mr. D.N. Goburdhun, Adv.
Mr. Prabal Bagchi, Adv.

For DDA Mr. Vishnu B. Saharya, Adv.
For M/s. Saharya & Co., Advs.

For HVOC Mr. Vishwajit Singh, Adv.
Mr. Ritesh Agrawal, Adv.
Mr. Abhindra Maheshwari, Adv.
Mr. Pankaj Singh, Adv.
Ms. Veera Kaul Singh, Adv.

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

We have heard learned counsel for the parties.
IA NO. 2567 is allowed.

Interlocutory Application No. 2555 is an application filed by M/s. Raghunath Builders Limited for certain directions with regard to this Court's order dated 29th September, 2011. By the said order, this Court had directed that if Raghunath Builders has any claim against Hindustan Vegetable Oil corporation [for short 'the HVOC'], it is entitled to get the issues adjudicated by competent Civil Court and even if it is established in the Civil Court by Raghunath Builders that it is entitled to get back any land from the HVOC, it should get it back from the area retained by the HVOC and not from the area surrendered by the HVOC for community need.

On 31st October, 2012, after hearing learned counsel for the parties, we had directed the DDA to file an affidavit along with the Site Plan showing as to which portion of the land has been surrendered to DDA for community purpose. Pursuant to the aforesaid order, the DDA has filed the Site Plan marked as Annexure R D/1 along with an affidavit dated 8th November, 2012. It is stated in the affidavit, inter alia, that pursuant to this Court's order dated 29th September, 2011, the Authority has modified the Layout Plan and demarcated 1.54 acres of land to be surrendered to the DDA and it is marked in green colour in the aforesaid Annexure and the land measuring 0.46 acres to be retained by the HVOC is marked in red colour in the same Annexure.

Having heard learned counsel for the parties, we dispose of this application with the direction that the land shown in green colour measuring 1.54 acres will stand surrendered to the DDA free from all encumbrances and the land shown in red colour in the above Annexure will be retained by the HVOC. Raghunath Builders, however, is entitled to make its claim to the aforesaid land in red colour measuring 0.46 acres in the suit which may be filed by it.

Interlocutory Application stands disposed of in the above terms.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER