

ITEM NO.301 & 302 COURT NO.6 SECTION PIL

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

Report No.85 dated 4.4.2011
Report No.88 dated 13.7.2011
submitted by Monitoring Committee in
I.A. No.22 in W.P.(C) No.4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH
I.A. Nos.2531/2011 IN I.A. Nos.2505-2506 in I.A. No.22 in W.P.(C)
No.4677/1985 (for directions)
AND
I.A. NO.2536 IN I.A. NO.2531 IN I.A. No.22 in W.P.(C)
No.4677/1985 (for permission to file additional documents)
WITH
I.A. No.2532 in I.A. 2510-11/2011 IN I.A. No.22 in W.P.(C)
No.4677/1985 (for directions)
WITH
I.A. No.2533-34/2011 in I.A. No.22 in W.P.(C) No.4677/1985
(for impleadment and directions)
WITH
I.A. NOS.2518-2519 IN I.A. No.22 in W.P.(C) No.4677/1985
(for impleadment and directions on behalf of Harpal Singh
Passricha)
WITH
I.A. NOS.2520-2521 IN I.A. No.22 in W.P.(C) No.4677/1985
(for impleadment and directions on behalf of Neelam Kaur
Passricha)
WITH
I.A. NOS.2522-2523 IN I.A. No.22 in W.P.(C) No.4677/1985
(for impleadment and directions on behalf of P.C. Aggarwal (HUF))
WITH
I.A. NOS.2535 & 2539 IN I.A. NOS.2507-2508 IN I.A. No.22 in W.P.
(C) No.4677/1985 (for directions and permission to file
additional documents on behalf of Learning Tree Play School)
WITH
I.A. Nos.2537-2538 & 2540 in I.A. No.22 in W.P.(C) No.4677/1985
(for impleadment and directions on behalf of Goet Apartments
Owners Welfare Society & others and permission to file addl.
documents)
I.A. NO.2501-2502 & 2503 in W.P.(C) No.4677/1985
(for impleadment, directions and permission to file additional
affidavit on behalf of Dr. Ashish Makkar & Others)
I.A. NOS.2541-2543 IN IA NO.22 in W.P.(C) No.4677/1985
(for intervention, directions and permission to file addl.
documents on behalf of Rajinder Rai)
I.A. Nos.2546-2547 in IA No.22 in WP(C) No.4677/1985

2

(for impleadment and directions on behalf of Kamal Saini)
I.A. No.2548 in W.P.(C) No.4677/1985
(for directions on behalf of Sujan Singh Park Traders Welfare
Association)

WITH
I.A. NOS.2544-2545 IN W.P.(C) NO.4677/1985
(for impleadment and directions on behalf of Rajapur Extention
Welfare Association, Rohini)
I.A. NO.2464 OF 2010 IN IA Nos.2364-2365 in I.A. 22 in WP(c)
No.4677/1985 (for directions)

Date: 03/01/2012

These IAs in Writ Petition were called on for mentioning today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE SWATANTER KUMAR

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

For Petitioner(s) None

For Applicant(s) Mr. Mukul Rohatgi, Sr. Adv.
in IA 2531/2011 Mr. Aman Ahluwalia, Adv.
& 2536/2011 Ms. Ruby Singh Ahuja, Adv.
Mr. Abeer Kumar, Adv.
Mr. Raunak Dhillon, Adv.

For Applicant(s) Mr. Mukul Rohatgi, Sr. Adv.
in IA 2541-43/2011 Mr. Saurab Sareen, Adv.
Mr. C.Sareen, Adv.
Ms. Ruby Singh Ahuja, Adv.
Mr. Abeer Kumar, Adv.
Mr. Raunak Dhillon, Adv.

For Applicant(s) Mr. P.S. Patwalia, Sr. Adv.
in IA 2532/2011 Mr. Sanjay R. Hegde, Adv.
Mr. Anil Kr. Mishra, A.O.R.

for Applicant(s) Mr. Shyam Divan, Sr. Adv.
in IA 2533-34/2011 Ms. Kavita Wadia, Adv.
Mr. P.S. Bindra, Adv.

for Applicant(s) Mr.M.N. Krishnamani, Sr. Adv.
in IA 2518-2521 Mr. Soumyajit Pani, Adv.
of 2011 Mr. Amit Kumar, Adv.
Mr. V.M. Srivastava, Adv.
Mr. Ansar Ahmad Choudhary, A.O.R.

for Applicant(s) Mr. Amit Khemka, Adv.
in IA 2522-2523 Mr. Ambhoj Kr. Sinha, Adv.

3

of 2011 Mr. Rishi Sehgal, Adv.

for Applicant(s) Mr. Gopal Jain, Adv.
in IA 2535 & 2539 Mr. Amitabh Chaturvedi, Adv.
in IA 2507-2508 Mr. Azeem Sammul, Adv.
Dr.(Mrs.) Vipin Gupta, A.O.R.

for Applicant(s) Mr. Dushyant Dave, Sr. Adv.
Nos. 1 & 2 in Mr. Rohit Aggarwal, Adv.
IA 2537-2538 & Ms. Pallavi Tayal, Adv.
2540 of 2011 Mr. C.K.Ganguli, A.O.R.

for Applicant(s) Mr. Altaf Ahmad, Sr. Adv.
Nos. 3 & 4 in Mr. Rahul Malhotra, Adv.
IA 2537-2538 & Mr. Zaki Ahmed Khan, Adv.
2540 of 2011 Mr. C.K. Ganguli, A.O.R.

For Applicant(s) Mr. L.N.Rao, Sr. Adv.
in IA 2546-48/2011 Ms. Meenakshi Arora, Adv.
Mr. Mohit D. Ram, Adv.

For applicant(s) Mr. V.A. Mohta, Sr. Adv.

in IA 2501-2503 Mr. Shakil Ahmad Syed, Adv.
Mr. Syed Ahmad Saud, Adv.
Mr.Mohd. Parvez Dabas, Adv.

for Applicant(s) Ms. Meenakshi Lekhi, Adv.
in IA 2544-2545/2011 Mr. Harish Pandey, Adv.
Mr.Himanshu Shekhar, Adv.

Applicant in person

For Respondent(s) Mr. Vivek Tankha, ASG
Mr. Sanjiv Sen, Adv.
Mr. Ujjal Banerjee, Adv.
Mr. Amit Singh, Adv.
Mr.P.Parmeswaran, Adv.

Mr. Gopal Subramaniam, Sr. Adv.
Mr. Sunil Fernandes, Adv.
Mr. Gaurav Khanna, Adv.
Ms. Astha Sharma, Adv.

Mr. P.P. Malhotra, ASG
Mr. S.W.A. Qadri, Adv.
Ms. Gunwant Dass, Adv.
Ms.Kiran Bhardwaj, Adv.
Mr.M.P.S.Tomar, Adv.
Mr. B.K. Prasad, A.O.R.

Mr. A. Sharan, Sr. Adv.
Mr. Vishnu B. Saharya, Adv.

4

Mr. D.N. Goburdhan, Adv.

Ms. Indu Malhotra, Sr. Adv.
Mr. Sidharth Sethi, Adv.
Mr. Dheeraj Nair, Adv.

Mr. Vijay Panjwani, Adv.

Mr. Rakesh Kumar Khanna, Sr. Adv.
Mr. Surya Kant, Adv.
Mr. Pranav Vyas, Adv.
Mr. Neeraj Kumar Sharma, Adv.
Ms. Purnima Jauhari, Adv.
Ms. Seema Rao, Adv.

Mr. Pallav Sisodia, Sr. Adv.
Mr. Arvind Nayar, Adv.
Mr. Zeyaul Haque, Adv.
Mr. A.V. Ballan, A.O.R.

Mr. Neeraj Kumar Jain, Sr. Adv.
Mr. Arvind Nayar, Adv.
Mr. Zeyaul Haque, Adv.
Mr. A.V. Ballan, A.O.R.

Ms. Indu Malhotra, Sr. Adv.
Mr. Divyam Agarwal, Adv.
Mr. Dheeraj Nair, Adv.

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

After hearing Shri Ranjit Kumar, learned amicus on Report No.85 and related issues and considering the submissions made by other learned counsel, we deem it proper to hear the main matter involving challenge to the validity of the law enacted by Parliament and the notifications issued by the Central Government.

List the case on 13.3.2012. It is
5

expected that on that day no request will be made for adjournment.

Till the matter is heard by the Court, the Monitoring Committee shall not order further sealing of the premises which are under its scrutiny.

We also direct that no construction, temporary or permanent, shall be made on the premises which have been subject matter of scrutiny of the Monitoring Committee and no order shall be passed by the Government or any authority regularising such construction or sanction the change of user.

The Delhi Development Authority, New Delhi Municipal Corporation and Municipal Corporation of Delhi are directed to ensure that no encroachment is made on any public land, whether belonging to the Government or any public authority. They shall also ensure that no illegal construction is made on any of the properties which has been subject matter of scrutiny by the Monitoring Committee.

The Monitoring Committee shall be entitled to inspect the premises in which any illegal construction may have been made after this order or any encroachment on public land

or regularisation and if necessary submit
6

report to this Court.

Any person desirous of getting a copy of any report of the Monitoring Committee may make an application to the Monitoring committee and the required report be furnished to the applicant within a period of ten days on payment of usual charges.

It is also made clear that any party shall be free to file an appropriate application before the Monitoring Committee for its consideration and appropriate order.

IA Nos.2518-2521

Shri M.N. Krishnamani, learned senior counsel appearing for the applicants state that in view of the developments which have taken place after the last order of the Court, the applications have become infructuous and the same may be disposed of as such.

In view of the statement of learned senior counsel, IA Nos.2518-2521 are disposed of as infructuous. We hope and trust that the order passed by the Monitoring Committee will be implemented at the earliest.

(Parveen Kr. Chawla)
Court Master

(Phoolan Wati Arora)
Court Master