

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

IA No. 22
IN
WRIT PETITION (CIVIL) NO(s). 4677 OF 1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

REPORT NO. 85 DATED 4.4.2011 AND REPORT NO. 88 DATED 13.7.2011
SUBMITTED BY MONITORING COMMITTEE

Date: 17/08/2011 These reports were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR
HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv. (A.C.)
M.C. Mehta (in-person) (not present)

For respondents/ :
applicants

DDA Mr. A. Sharan, Sr. Adv.
Mr. Vishnu B.Saharya, Adv. for
M/s. Saharya & Co.

Khan Market
Traders Assn. Mr. Gopal Subramaniam, Sr. Adv.
Mr. Sumit Fernandes, Adv.
Mr. Gaurav Khanna, Adv.

Khan Market
Welfare Assn. Mr. Pallav Sishodia, Sr. Adv.
Mr. Arvind Nayar, Adv.
Ms. Santhan Lakshmi, Adv.
Mr. A.V. Balan, Adv.

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NCT of Delhi Mr. D.N.Goburdhan, Adv.
Mr. Rajesh Ranjan, Adv.
Mr. Prabal Bagchi, Adv.

NDMC Mr. Vivek Tankha, ASG
Mr. Sanjiv Sen, Adv.
Mr. Surya Kant, Adv.
Mr. Ujjal Banerjee, Adv.

Sarojini Nagar
Market Wel. Assn. Mr. P.S. Patwalia, Sr. Adv.
Mr. Neeraj Jain, Sr. Adv.

Mr. Arvind Nayar, Adv.
Ms. Santhan Lakshmi, Adv.
Mr. A. V. Balan, Adv.

MCD
Mr. Sanjiv Sen, Adv.
Mr. Praveen Swarup, Adv.
Mr. P. Parmeswaran, Adv.
Mr. Ujjal Banerjee, Adv.

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

Mr. Manjit Singh, Adv.
Mr. Tarjit Singh, Adv.
Mr. Kamal Mohan Gupta, Adv.

Mr. G.V. Rao, Adv.
Mr. Manoj Kr. Dwivedi, Adv.
Ms. Vandana Mishra, Adv.

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

1. We have considered Report No. 85 of the Monitoring Committee as well as the response affidavit dated 24.6.2011 filed on behalf of Delhi Development Authority by Mr. H. Rajesh Prasad, Commissioner, Land Management. In the said affidavit, the D.D.A. has attributed the act of de-sealing of the Shops in Rajapur Extension to the approval dated 26.10.2010 of Hon'ble Lieutenant Governor of Delhi.

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2. We do not approve of the manner in which this direction of de-sealing was given. De-sealing can be done by this Court alone. There are clear orders passed by this Court earlier to that effect. However, the DDA in its affidavit has asserted that Hon'ble Lt. Governor vide order dated 1.12.2010 granted "approval" for de-sealing of shops in Rajapur Extension meaning thereby that this was the proposal given by the so-called authority on which the Lt. Governor only gave his approval to the said proposal.

3. On the basis of this, it is reported before us that 54 shops were de-sealed. Some others also taking the clue, started de-sealing their own shops by either tampering with or liquidating the seals on their own. We dis-approve of all this and direct the D.D.A. to seal all the aforesaid 147 shops in

Rajapur Extension forthwith, including 54 de-sealed shops.

4. Learned counsel appearing for the Khan Market Traders Association, Khan Market Welfare Association and Sarojini Nagar Market Shopkeepers' Association undertake to serve affidavits within one week on the learned counsel appearing for the concerned parties.

5. List this matter in the last week of August, 2011 before a Bench to be re-constituted by Hon'ble the Chief Justice of India.

(Pardeep Kumar)
Court Master

(Shashi Bala Vij)
Assistant Registrar