

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

I.A. No. 2391 in IA NO. 2287
IN
WRIT PETITION (CIVIL) NO(s). 4677 OF 1985

M.C.MEHTA Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

[for directions on behalf of Vijay Gupta]

I.A. Nos. 2447-2448 IN I.A. NO. 22 IN W.P. (C) NO. 4677/1985

[for impleadment and for seeking order directing the Monitoring
Committee not to seal the properties of the applicant)

AND
I.A. NOS. 2474-2475 IN IA NO. 22 IN WP(C) NO. 4677/1985
[for impleadment and directions on behalf of M/s. Jhankar Banquet)

I.A. No. 2476 in W.P.(C) No. 4677/1985
(for impleadment on behalf of Asiad Village)

WITH
I.A. No. 2194 IN IA NO. 22 IN WP(C) NO. 4677 /1985
[for impleadment and directions)

AND
I.A. No. 2470 in I.A. Nos. 2187, 2204 in IA No. 22 in WP(C) No.
4677/1985
(for impleadment and directions on behalf of Vansh Properties)

AND
I.A. Nos. 2178, 2179 in I.A. 22 in WP(C) No. 4677/1985
[For stay and directions on behalf of Banarasi Chandiwala Sewa
Samarak Trust Society)

AND
I.A. Nos. 2456-2457 in I.A. No. 22 in WP(C) No. 4677/1985
(for intervention and directions on behalf of Sudhir Bardyar)

AND
I.A. No. 2442 in I.A. Nos. 2360-2361 in I.A. No. 22 in WP(C) No.

4677/1985
(For restoration on behalf of Jaimuddin & Anr.)

AND
I.A. Nos. 2437-2438 in WP(C) No. 4677/1985
(for impleadment and directions on behalf of Vinod Khurana)

IA Nos. 2482 in IA Nos. 2051-2052 in WP (C) No. 4677 of 1985
[for impleadment and directions on behalf of Delhi Society for welfare
of Special Child Mentally Retarded)

IA Nos. 2484-2485 in WP (C) NO. 4677 OF 1985

[for impleadment and direction on behalf of Jasmin Jassi)

IA Nos. 2489-2490 in W.P. (C) No. 4677 of 1985

[for impleadment and direction on behalf of Vandana Kumar)

Date: 18/11/2010 These I.As. were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR

HON'BLE MR. JUSTICE P. SATHASIVAM

HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv. (A.C.)

For Respondent(s) Mr. M.C. Mehta, Adv. (not present)

IA 2391 Mr. Mukul Rohtagi, Sr. Adv.
Mr. Rajiv K. Garg, Av.
Mr. Ashish Garg, Adv.
Mr. Goodwill Indeever, Adv.

IA2447-48 Mr. A. Sharan, Sr. Adv.
Mr. Nikhil Goel, Adv.
Mr. Marsook, Adv.

IA 2437-2438 Mr. Sanjay Parikh, Adv.
Mr. Anish R. Shah, Adv.
Ms. Mamta Saxena, Adv.
Mr. Soumya Roy, Adv.
Ms. Rashmi Nandwani, Adv.

UOI Mr. B.Chahar, Sr. Adv.
Mr. Wasim Qadri, Adv.
Mr. M.P.S. Tomar,
Mr. Gunwant Dara, Adv. for
Ms. Anil Katiyar, Adv.

3

State of UP Mr. S.K. Dwivedi, Adv.
Ms. Vandana Mishra, Adv.
Mr. Manoj Dwivedi, Adv.
Mr. G.V. Rao, Adv.
Mr. Ashutosh Sharma, Adv.

Mr. R.C. Kaushik, Adv.

WC 4677 Mr. D.N. Goburdhan, Adv.
Ms. P. Bagchi, Adv.

Ms. Sheel Sethi, Adv.

Mr. Vijay Panjwani, Adv.

IA 2391 in IA2287 Mr. A. Sharan, Sr. Adv.
Mr. Vishnu Saharya, Adv. for
M/s. Saharya & Co.

Mr. D.S. Mahra, Adv.

Mr. A. Venayagam Balan, Adv.

Mr. T. Anil Kumar, Adv.

Mr. E.C. Agarwala, Adv.

IA 2476

Mr. M.L. Lahoty, Adv.

Mr. P.K. Sharma, Adv.

Mr. Himanshu Shekhar, Adv.

Ms. Gargi Bhatta Bhurali, Adv.

MCD

Mr. Sanjiv Sen, Adv.

Mr. Praveen Swarup, Adv.

Mr. P.Parmeswaran, Adv.

Mr. P. Parmeswaran, Adv.

IA 2474-2475

Mr. A. Sharan, Sr. Adv.

Mr. Ashwani Kumar, Adv.

Mr. A. Venayagam Balan, Adv.

IA 2442

Mr. B.K. Pal, Adv.

IA 2482

Mr. Jaideep Gupta, Sr. Adv.

Mr. Manik Karanjwala, Adv.

4

Ms. Farida Chopra, Adv.

Mr. Jatin Mongia, Adv.

Mr. R.N.Karanjawala, Adv.

Mr. Senthil Jagadeesan, Adv.

IA Nos. 2484-2485

Mr. Saurabh Mishra, Adv.

IA Nos. 2489-2490

Mr. Ravi P. Mehrotra, Adv.

Ms. Deepti R.Mehrotra, Adv.

Mr. Vibhu Tiwari, Adv.

Mr. Manjit Singh Chawla, Adv.

IA 2456-57

Mr. R.K.Dhawan, Adv.

Mr. Rahul Gaur, Adv.

IA 2474-75

Mr. A.Saran, Sr. Adv.

Mr. Ashwani Kumar, Adv.

Ms. Iti Sharma, Adv.

IA 2482

Mr. B.Chahar, Sr. Adv.

Mr. Senthil Jagadeesan, Adv.

IA 2447-48

Mr. A.Sharan, Sr. Adv.

Mr. Nikhil Goel, Adv.

Mr. Marsook Bafaki, Adv.

IA 2484-85

Mr. V.A.Mohta, Sr. Adv.

Mr. Arvind Kumar Sharma, Adv.

Mr. Saurabh Mishra, Adv.

Mr. Nilakanta Noyaki, Adv.

IA2484-85

Mr. Rakesh Kumar, Sr. Adv.

Dr. Rashmi Khanna, Adv.

Ms. Seems Rao, Adv.

Ms. Purnima Jauhari, Adv.

Mr. Surya Kant, Adv.

IA 2470

Mr. C.U.Singh, Sr. Adv.

Ms. Shyel Trehan, Adv.
Mr. Nikhil Pillai, Adv.

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

I.A. No. 2391 IN IA NO. 2287 IN WP(C) NO. 4677/85:

1. The applicant herein challenges the sealing of the property in question. It is submitted by Mr. Mukul Rohtagi,
5

learned senior counsel appearing for the applicant that since this building falls under the local shopping centre, therefore, the applicant is entitled to use the building for commercial purposes though the initial sanction of the building was granted only for the residential purposes.

2. It is an admitted position that the building in question has not been converted as yet by the Municipal Corporation of Delhi or any other local authority from residential to commercial purposes. In view of the fact that the applicant has started using the building for commercial purposes, even without obtaining any permission from the Municipal Corporation of Delhi or any other local authority, the sealing action is absolutely justified.

3. Mr. Mukul Rohtagi, learned senior counsel appearing for the applicant submits that the area, where the building in question is situated, comes under the local shopping centre. That may be so. That is what appears from the affidavit sworn by Mr. Ashok Kumar, Commissioner (Planning), Delhi Development Authority also. However, in our view, in view of the applicable provisions, it will be must for the applicant first to obtain necessary permission from the concerned authority i.e. Municipal Corporation of Delhi for change of the user from residential to commercial in the local shopping centre. The applicant is permitted to approach the Municipal Corporation of Delhi within fifteen days from today. The Municipal Corporation of Delhi is directed to decide the said application, if necessary, by

giving personal hearing to the applicant within three months from the date of filing of the application.

I.A. Nos. 2447-2448, 2474-2475 IN IA 22 IN WP(C) NO. 4677/1985:

At the request of Mr. Mukul Rohtagi, learned senior counsel appearing for the applicants, list these I.As. on the next date of hearing.

IA No. 2476:

List this I.A. on the next date of hearing.

IA No. 2470:

Copy of the Report No. 81 of the Monitoring Committee be given to the applicant within two weeks from today.

Reply, if any, be filed, within two weeks' thereafter.

IA No. 2456-2457:

Copy of the Report No. 80 of the Monitoring Committee be given to the learned counsel appearing for the applicant within two weeks' from today.

Reply, if any, be filed within two weeks' thereafter.

IA No. 2442:

I.A. No. 2442 is restored.

IA Nos. 2437-2438:

Mr. Sanjay Parikh, learned counsel appearing for the applicant submits that the applicant is prepared to rectify all the deviations in the property in question.

However,

7

since the building is sealed by the Monitoring Committee, the applicant is not able to do so.

Applicant is permitted to apply to the Monitoring Committee for de-sealing of the property in question seeking permission on the ground of effecting essential repairs as the case may be and for removal of deviations.

Let that application be filed within 15 days from

today. Monitoring Committee is directed to consider the same and decide upon it within three months from the date of filing of the application.

IA No. 2482:

Monitoring Committee is directed to file a report with regard to the property in question.

IA Nos. 2484-2485:

Let an undertaking be filed by the applicant in the form of an affidavit for curing the defects regarding archiving, indexing and cataloguing of photo negatives for digital visual library, digitizing/scanning of annual reports, dubbing of various versions of corporate films and commissioned programmes of Doordarshan Kendra.

Let this be done within one week from today. Upon receiving of the affidavit, the Monitoring Committee shall consider the request of de-dealing of the property in question.

IA Nos. 2489-2490:

The Monitoring Committee is directed to file a report with regard to the property in question.

[Shashi Sareen]	[Pardeep Kumar]	[Shashi Bala Vij]
Court Master	Court Master	Court Master