

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

Writ Petition(s)(Civil) No(s). 4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: ORDER DATED 18TH DECEMBER, 2023 PASSED BY THE JUDICIAL COMMITTEE AND 1) IA NO. 203463 AND 203464/2024 (APPLNS. FOR DIRECTION AND EXEMPTION FROM FILING O.T.) 2) IA NO. 203615/2024 (APPLN. FOR DIRECTION) 3) IA NO. 203618/2024 (APPLN. FOR DIRECTION) 4) IA NO. 204094/202 (APPLN. FOR DIRECTION) 5) IA NO. 240453/2023 (APPLN. FOR DIRECTION ON BEHALF OF GYANENDRA) 6) IA NOS. 182567, 182573/2019 AND 150265/2021 (APPLNS. FOR IMPLEADMENT, DIRECTION AND VACATING INTERIM ORDER DT. 16.12.2019) 7) IA NO. 177315/2024 (APPLN. FOR DIRECTION ON BEHALF OF MANJU SETHI) 8) I.A. NO. 155220/2024 (APPL. SEEKING PERMISSION FOR REMOVAL OF GOODS) 9) IA NO. 6055/2019 (APPLNS. FOR DIRECTIONS ON B/O SPECIAL TASK FORCE) 10) IA NO. 32418/2024 (APPLN. FOR DIRECTION ON BEHALF OF MCD) 11) IA NO. 53033/2024 (APPLN. FOR DIRECTION ON BEHALF OF DEFENCE COLONY MARKET WELFARE ASSN.) 12) IA NOS. 98550 AND 98552/2024 (APPLNS. FOR PERMISSION AND DIRECTION ON BEHALF OF D BLOCK MARKET WELFARE ASSN.) 13) IA NOS. 2181 AND 2182/2007 (APPLNS. FOR QUASHMENT OF ORDINANCE DT. 15.9.2007 AND IMPLEADMENT) 14) IA NOS. 21344 AND 21346 OF 2019 (APPLNS. FOR IMLEADMENT AND DIRECTIONS ON BEHALF OF PALAM EXTENSION MAIN MARKET WELFARE ASSOCIATION) 15) IA NOS. 107318 AND 107320/2019 (APPLNS. FOR IMLEADMENT AND DIRECTIONS ON BEHALF OF KUSUM SEHGAL) 16) IA NO. 177999/2019 (APPLN. FOR DIRECTIONS ON BEHALF OF GOVT. OF NCT DELHI) 17) IA NOS. 5329 AND 5331/2019 (APPLNS. FOR INTERVENTION AND PERMISSION TO APPEAR AND ARGUE IN PERSON) 18) I.A.NOS. 77503 AND 82069/2024 (APPLNS. FOR DIRECTION AND PERMISSION ON BEHALF OF INDIAN OIL CORP. LTD.) IN W.P. (C) NO. 4677/1985 "ONLY" ARE LISTED NAMES OF FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST : MR. S GURU KRISHNA KUMAR, SR. ADVOCATE (A.C.) MS. ANITHA SHENOY, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) PETITIONER-IN-PERSON MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. PRAVEEN SWARUP, MR. NISHIT AGRAWAL, MR. CHIRAG M. SHROFF MR. GAGAN GUPTA MS. NISHTHA KUMAR MR. B.K. SATIJA MS. POOJA DHAR MR. ANAND SHANKAR MR. KRISHNA PAL SINGH MR. KAILAS BAJIRAO AUTADE, MS. SHAGUN MATTA, MR. V.N. RAGHUPATHY, MR. SANDEEP GUPTA, MR. VIVEK NARAYAN SHARMA, MR. SHREY KAPOOR, MR. JASMEET SINGH, MR. NISCHAL KR. NEERAJ MR. SHREY KAPOOR MS. RANJEETA ROHATGI, ADVOCATES APPLICANT-IN-PERSON)

Date : 09-09-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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Ms. Neha Das, Adv.
Mr. Shivam Saxena, Adv.

Mr. Guntur Pramod Kumar, AOR
Mr. Samarth Luthra, Adv.

Mr. Abinash Kumar Mishra, AOR

Ms. Nidhi Mohan Parashar, AOR

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

IA Nos.203463/2024 FOR DIRECTION and
203464/2024 EXEMPTION FROM FILING OT

1. Heard the learned counsel appearing for the applicant.

2. The first prayer made in IA No.203463 of 2024 is for directing the Municipal Corporation of Delhi (MCD) to consider the application for regularisation of building No.E-5A. Obviously, the application itself proceeds on the footing that the building or a part of the building is illegal. Therefore, unless an order of regularisation is passed by the MCD, the prayer for de-sealing cannot be considered. It will be open for the applicants to adopt appropriate proceedings in accordance with law for the purposes of regularisation.

3. If the application for regularisation is allowed, we grant liberty to the applicants to make a fresh application for de-sealing.

4. The applications are accordingly disposed of.

IA No.203615 of 2024 (APPLICATION FOR DIRECTIONS)

5. We direct the MCD to file a counter affidavit to this application within a period of six weeks from today. As and when called upon to do so, the applicant will give inspection of the documents relied upon in this application to the concerned officer(s) of the MCD. This request shall be made by the concerned officer(s) of the MCD within a period of two weeks from today. Needless to add that before filing a counter affidavit, the concerned officer(s) will inspect the premises being Shop No.106, New Rajinder Nagar, New Delhi-110 060.

6. List on 4th November, 2024 at the end of the Cause List.

IA No.203618 of 2024 - FOR DIRECTIONS

7. We direct the MCD to file a counter affidavit to this application within a period of six weeks from today. As and when called upon to do so, the applicants will give inspection of the documents relied upon in this application to the concerned officer(s) of the MCD. This request shall be made by the concerned officer(s) of the MCD within a period of two weeks from today. Needless to add that before filing a counter affidavit, the concerned officer(s) will inspect the premises being N-9, N-Block Market, Greater Kailash-I, New Delhi-110 048.

8. List on 4th November, 2024 at the end of the Cause List.

IA No.204094 of 2024 - FOR DIRECTIONS

9. We direct the MCD to file a counter affidavit to this application within a period of six weeks from today. As and when called upon to do so, the applicant will give inspection of the documents relied upon in this application to the concerned officer(s) of the MCD. This request shall be made by the concerned officer(s) of the MCD within a period of two weeks from today. Needless to add that before filing a counter affidavit, the concerned officer(s) will inspect the premises being N-6, N-Block Market, Greater Kailash-I, New Delhi-110 048.

10. List on 4th November, 2024 at the end of the Cause List.

IN RE: AMOUNT DEPOSITED WITH THE MONITORING COMMITTEE

11. In terms of the order dated 22nd August, 2024, particularly, clause (2) thereof, the Monitoring Committee has deposited in this Court a sum of Rs.11,00,00,000/- (Rupees eleven crores). To that extent, the figure mentioned in clause (2) of the order dated 22nd August, 2024 stands modified.

IA No.240453 of 2023 - FOR SETTING ASIDE ORDER DATED 28.08.2023 PASSED BY THE JUDICIAL COMMITTEE

12. The learned counsel appearing for the applicant seeks further time to place on record the authority under which construction of godown was made.

13. We grant him time of two weeks.

14. The application shall be listed on 18th October, 2024 at the end of the Cause List.

IA Nos.182573 (FOR DIRECTIONS), 182567 (FOR IMPLEADMENT) of 2019 and 150265 of 2021 (FOR VACATING INTERIM ORDER DATED 16.12.2019)

15. We have perused the status report filed by the MCD.

16. We direct the MCD to file an affidavit in this Court making a clear statement on the question whether the user of the basement subject matter of these applications for lawyer's office is a permissible user. The affidavit to be filed within a period of three weeks.

17. List on 18th October, 2024 at the end of the Cause List.

18. From the documents annexed to the status report filed by the MCD, it appears that certain illegalities have been associated in respect of the entire building.

19. We, therefore, direct the Monitoring Committee to consider whether any other part of the building is required to be sealed in terms of the orders of this Court. The Monitoring Committee will take necessary action within a period of one month and submit a report to this Court on or before 18th October, 2024.

IA No.177315 of 2024 - FOR SETTING ASIDE OF ORDER DATED 16.02.2024 PASSED BY THE JUDICIAL COMMITTEE

20. We direct the MCD to file a counter affidavit to this application within a period of six weeks from today. As and when called upon to do so, the applicant will give inspection of the documents relied upon in this application to the concerned officer(s) of the MCD. This request shall be made by the concerned officer(s) of the MCD within a period of two weeks from today. Needless to add that before filing a counter affidavit, the concerned officer(s) will inspect the premises being Shop No.B-1 (GF), E-15, Kailash Colony, New Delhi-110048.

21. List on 18th October, 2024 at the end of the Cause List.

IA No.155220 of 2024 (PERMISSION FOR REMOVAL OF GOODS)

22. Perused Report No.187 of the Monitoring Committee.

23. It is recorded in the Report that temporary de-sealing of the premises may be allowed for removal of the goods by the applicant(s) subject to payment of the penalty as calculated by the MCD.

24. We direct the MCD to calculate the penalty and communicate the same to the applicant(s).

25. List the application on 18th October, 2024 at the end of the Cause List.

IA No.6055 of 2019 (FOR DIRECTIONS)

26. None appears for the applicant.

27. After having perused the averments made in the application, we find that with the passage of time, the prayers made in the application do not survive. The application is accordingly disposed of.

IA No.53033 of 2024 (FOR DIRECTIONS)

28. This application will be governed by the observations made by this Court in paragraph 5 of the order dated 22nd August, 2024. In view of this position, the learned counsel appearing for the applicant seeks permission to withdraw the application with liberty to file a fresh application for the same relief in respect of individual buildings/units. Accordingly, the application is disposed of as withdrawn with liberty as prayed.

IA Nos.98550 (FOR DIRECTION) and 98552 (PERMISSION TO MOVE IA FOR DIRECTION) of 2024

29. These applications will be governed by paragraph 5 of the order dated 22nd August, 2024. We, therefore, dispose of the applications with liberty to make a fresh application in terms of paragraph 5 of the said order.

IA Nos.2181 (FOR QUASHMENT OF ORDINANCE DATED 15.9.2007) and 2182 (FOR IMPLEADMENT) of 2007

30. We direct the Delhi Development Authority (DDA) to file a counter affidavit in respect of prayer (b) of the application within a period of six weeks from today.

IA Nos.21344 (FOR IMPLEADMENT) and 21346 (FOR DIRECTIONS) of 2019

31. To be heard on 18th October, 2024 at the end of the Cause List.

IA Nos.107318 (FOR IMPLEADMENT) and 107320 (FOR DIRECTION) of 2019

32. In view of the order of the Delhi High Court dated 30th August, 2019, these applications do not survive and the same are accordingly disposed of.

IA No.177999 of 2019 (FOR DIRECTION)

33. None appears for the applicant.

34. At this stage, the prayers made in the application cannot be considered. Hence, the application stands dismissed.

IA Nos.5329 and 5331 of 2019 (FOR INTERVENTION)

35. The applicant appearing in person seeks time to go through the applications and address the Court.

36. List on 18th October, 2024 at the end of the Cause List.

IA Nos.77503 (FOR APPROPRIATE ORDERS/DIRECTIONS) and 82069 of 2024 (FOR PERMISSION TO FILE APPLICATION FOR APPROPRIATE ORDERS/DIRECTIONS)

37. Even as of today, the DDA has not complied with this Court's order dated 14th May, 2024.

38. We direct the DDA to make compliance within a maximum period of one month from today.

39. List on 18th October, 2024 at the end of the Cause List.

40. The earlier order passed by this Court protecting the godown will continue to operate.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER