

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

WRIT PETITION(S)(CIVIL) NO(S). 4677/1985

M.C.MEHTA

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

(1) IA NO. 105251/2018 (APPLN. FOR DIRECTIONS ON B/O HDFC BANK LTD.) 2) IA NO. 124213/2018 (APPLN. FOR DIRECTIONS ON B/O KOTAK MAHINDRA BANK LTD.) 3) IA NO. 29126/2019 (APPLN. FOR INTERVENTION IN IA NO. 105251/2018 AND 124213/2018 ON B/O BANK OWNERS ASSOCIATION) 4) IA NOS. 179279 AND 179280/2018 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF AMARNATH SAHANI AND ORS.) 5) IA NO. 6055/2019 (APPLNS. FOR DIRECTIONS ON B/O SPECIAL TASK FORCE) 6) IA NO. 240453/2023 (APPLN. FOR DIRECTION ON BEHALF OF GYANENDRA) 7) IA NO. 32418/2024 (APPLN. FOR DIRECTION ON BEHALF OF MCD) 8) IA NO. 53033/2024 (APPLN. FOR DIRECTION ON BEHALF OF DEFENCE COLONY MARKET WELFARE ASSN.) 9) IA NOS. 98550 and 98552/2024 (APPLNS. FOR PERMISSION AND DIRECTION ON BEHALF OF D BLOCK MARKET WELFARE ASSN.) 10) IA NO. 13010/2024 (APPLN. FOR DIRECTION ON BEHALF OF RANJI THOMAS) 11) IA NO. 177315/2024 (APPLN. FOR DIRECTION ON BEHALF OF MANJU SETHI) 12) I.A. NOS. 155218 AND 155220/2024 (APPLS. TO WITHDRAW I.A. NO. 9771/2018 AND SEEKING PERMISSION FOR REMOVAL OF GOODS) 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. NISHITHA 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, ADVOCATES)

Date : 22-08-2024 These matters were called on for hearing today.

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

IN RE: AMOUNT DEPOSITED WITH THE MONITORING COMMITTEE

1. Our attention is invited to an order dated 10th March, 2022 passed by this Court in this Writ Petition.
2. Shri A.D.N. Rao, learned Senior Advocate, appointed as Amicus Curiae, pointed out that a sum of Rs.3-3.50 crores is lying with the Monitoring Committee which was collected towards processing

fees. We direct the Monitoring Committee to transfer the said amount to this Court. After the said amount is received, the Registry is directed to invest the same in appropriate fixed deposit with any nationalised Bank initially for a period of one year with auto-renewal facility.

3. Hereafter, the processing fee collected by the Monitoring Committee during the period of every three months shall be transferred by the Monitoring Committee to this Court. The period of three months shall be counted from 1st September, 2024.

IN RE: ORDER DATED 18TH DECEMBER, 2023 PASSED BY THE JUDICIAL COMMITTEE

4. We have perused the order dated 18th December, 2023 passed by the Judicial Committee (for short, "the Committee") constituted under the orders of this Court. The Committee has dealt with basement, first floor and second floor of the buildings in 07 markets which are more particularly described in paragraph 2 of the said order. There is a challenge to the order dated 18th December, 2023 by the Municipal Corporation of Delhi (IA No.32418/2024). There are interlocutory applications filed by Market Committees/Market Associations seeking implementation of the said order which directs de-sealing of the premises.

5. *Prima facie*, we find after perusal of the said order that the Committee has not looked into individual cases of buildings/units. Perhaps, it was necessary for the Committee to call upon the applicants to produce copies of the sanctioned plans in respect of individual buildings/units and copies of documents of

acquisition/allotment/purchase. We, therefore, permit filing of fresh applications in respect of individual buildings/units seeking relief of de-sealing. Needless to add that a copy of the relevant sanctioned plan and/or permission granted by the local authority, documents showing acquisition/allotment/purchase of premises in the building and a copy of the Layout Plan will have to be produced along with the applications.

6. After the said applications are filed, we propose to issue directions either to the concerned local Authority to constitute a team of officers or a team of architects to verify whether buildings/units, as in existence today, are in conformity with the sanctioned plan. If some portions of the building are unauthorised and the same have been regularised, along with the applications, even the copies of the orders passed for regularisation shall be produced.

7. If such individual applications are filed, the same shall be listed on 9th September, 2024.

8. We make it clear that this order is applicable only to the buildings in 07 markets mentioned in paragraph 2 of the order dated 18th December, 2023 of the Judicial Committee.

IA NO.105251/2018 (APPLN. FOR DIRECTIONS ON B/O HDFC BANK LTD.); IA NO. 124213/2018 (APPLN. FOR DIRECTIONS ON B/O KOTAK MAHINDRA BANK LTD.); IA NOS.179279/2018 AND 179280/2018 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF AMARNATH SAHANI AND ORS.); AND IA NO. 29126/2019 (APPLN. FOR INTERVENTION IN IA NO. 105251/2018 AND 124213/2018 ON B/O BANK OWNERS ASSOCIATION)

9. These Applications in terms of the earlier orders will have to be heard after the issue of challenge to the Master Plan is dealt with. Hence, the Registry is directed to remove these Applications

from the cause list.

IA NO. 240453/2023 (APPLN. FOR DIRECTION ON BEHALF OF GYANENDRA)

10. When we called upon the learned counsel appearing for the applicant to show the permission for construction of a godown referred to in the prayer clause of the Application, he candidly answers that no such document is available. Hence, the godown will have to be demolished.

11. To enable the learned counsel appearing for the applicant to take instructions, list on 9th September, 2024.

IA NO. 13010/2024 (APPLN. FOR DIRECTION ON BEHALF OF RANJI THOMAS)

12. We are informed across the Bar that IA Nos.182567/2019, 182573/2019 and 150265/2021 have been kept pending by the Judicial Committee. We, therefore, allow this Application in terms of prayer clause 'a'.

13. List IA Nos.182567/2019, 182573/2019 and 150265/2021 on 9th September, 2024.

14. The Registry is directed to call for the aforesaid Applications from the Judicial Committee.

IA NO. 177315/2024 (APPLN. FOR DIRECTION ON BEHALF OF MANJU SETHI)

15. The learned counsel appearing for the applicant seeks permission to place on record a copy of the sanctioned plan and building permission for construction of the building in which the shop subject-matter of this Application is located. We, accordingly, grant him permission to file additional documents.

16. List on 9th September, 2024.

I.A. NO. 155218/2024 (APPL. TO WITHDRAW I.A. NO. 9771/2018 FILED ON BEHALF OF M/S. S.K. MARBLES)

17. By way of this Application, the applicant seeks permission to withdraw IA No.9771/2018. As prayed, permission to withdraw IA No.9771/2018 is granted. The Application stands allowed accordingly.

IA NO.155220/2024 (APPL. SEEKING PERMISSION FOR REMOVAL OF GOODS FILED ON BEHALF OF M/S. S.K. MARBLES)

18. We direct that a copy of this Application be provided to the Monitoring Committee constituted under the orders of this Court and to the learned counsel representing the Municipal Corporation of Delhi in this group of applications. We call for the response of the Monitoring Committee as well as the Municipal Corporation of Delhi.

19. List on 9th September, 2024.

IA NO. 6055/2019 (APPLNS. FOR DIRECTIONS ON B/O SPECIAL TASK FORCE); IA NO. 32418/2024 (APPLN. FOR DIRECTION ON BEHALF OF MCD); IA NO. 53033/2024 (APPLN. FOR DIRECTION ON BEHALF OF DEFENCE COLONY MARKET WELFARE ASSN.); AND IA NOS. 98550 AND 98552/2024 (APPLNS. FOR PERMISSION AND DIRECTION ON BEHALF OF D BLOCK MARKET WELFARE ASSN.)

20. List on 9th September, 2024.

IA NOS.2181/2007 (FOR DIRECTION) AND 2182/2007 (FOR INTERVENTION/IMPLEADMENT); IA NOS.21344/2019 (FOR INTERVENTION/IMPLEADMENT) AND 21346/2019 (FOR DIRECTION); IA NOS.107318/2019 (FOR INTERVENTION/IMPLEADMENT) AND 107320/2019 (FOR DIRECTIONS); IA NO.177999/2019 (FOR DIRECTION); IA NO.5329/2019 (FOR INTERVENTION/IMPLEADMENT) AND IA NO.5331/2019 (FOR PERMISSION TO APPEAR AND ARGUE IN PERSON)

21. List on 9th September, 2024.

IA NOS.165136/2019 (FOR INTERVENTION/IMPLEADMENT) AND 179212/2019

(FOR DIRECTIONS); IA NOS.140093/2019 (INTERVENTION/IMPLEADMENT) AND 140094/2019 (FOR DIRECTIONS); IA NOS.74665/2020 (INTERVENTION/IMPLEADMENT) AND 74666/2020 (FOR EXEMPTION FROM FILING AFFIDAVIT); IA NO.108439/2020 (FOR DIRECTION); IA NO.177905/2022 (FOR MODIFICATION), IA NOS.181186/2022 (INTERVENTION/IMPLEADMENT); AND 181193/2022 (FOR DIRECTION).

22. List on 23rd September, 2024.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)