

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

SUO MOTO CONM T. P E T .(C) NO.2 0 4 OF 2 0 0 8 IN I.A. NO.2 1 7 8 - 2 1 7 9 IN IA 2 2  
in W R I T P E T I T I O N (CIVIL) NO(s). 46 7 7 OF 19 8 5

IN R E : B A N A R A S I D A S C H A N D I W A L A E S T A T E

W I T H

I.A.NO.2 1 7 8 - 2 1 7 9 IN W. P . (C) NO.4 6 7 7 OF 1 9 8 5  
(FOR DI R E C T I O N AND MODI F I C A T I O N OF COUR T'S ORD E R DAT E D  
2 7 . 8 . 2 0 0 7 )

W I T H

I.A.D.NO. 6 5 5 6 3 IN W. P .(C) NO.4 6 7 7 OF 1 9 8 5  
(FOR DI R E C T I O N ON B E H A L F OF B A N A R A S I D A S C H A N D W A L A W I T H  
OF F I C E R E P O R T )

AND

I.A. NO.2 2 IN W. P . (C) NO.4 6 7 7 OF 1 9 8 5  
(FOR DI R E C T I O N S )

W I T H

I.A.NO.2 3 3 1 IN W. P .(C) NO.4 6 7 7 / 1 9 8 5  
(FOR CHA L L E N G I N G T H E NOTI F I C A T I O N DAT E D 16. 6 . 2 0 0 8 AND 12. 8 . 2 0 0 8  
ON B E H A L F OF DE L H I P R A D E S H CITIZ E N COUNCI L)

W I T H

W. P . (C) NO.2 6 3 OF 20 0 6  
(W I T H AP P L N . ( S) FO R STA Y AND DI R E C T I O N S AND IM P L E A D M E N T AND  
INT E R V E N T I O N AND IM P L E A D M E N T / DI R E C T I O N S AND EX E M P T I O N TO  
FI L E ADD L. DOCUM E N T S AND AP P L N . FO R P E R M I S S I O N TO FI L E ADD L.  
DOCUM E N T S AND EX E M P T I O N F R O M FI L I N G O.T. AND OF F I C E R E P O R T )

W I T H

W. P .(C) NO.2 6 4 OF 2 0 0 6  
(W I T H AP P L N . ( S) FO R STA Y AND AM E N D M E N T OF P R A Y E R P O R T I O N AND  
OF F I C E R E P O R T )

W. P .(C) NO.5 6 3 OF 2 0 0 6  
(W I T H OF F I C E R E P O R T )

W. P .(C) NO.5 6 9 OF 2 0 0 6  
(W I T H AP P L N . ( S) FO R DI R E C T I O N S AND OF F I C E R E P O R T )

...2/-

W. P .(C) NO.6 1 0 OF 2 0 0 6  
(W I T H AP P L N . ( S) FO R INT E R I M DI R E C T I O N S AND OF F I C E R E P O R T )

W. P .(C)NO.4 6 4 OF 20 0 6  
(W I T H AP P L N . ( S) FO R EX- PA R T E STA Y AND MODI F I C A T I O N OF COUR T'S  
ORD E R AND STA Y AND OF F I C E R E P O R T )

W. P .(C) NO. 2 6 6 OF 20 0 6  
(W I T H AP P L N . ( S) FO R INT E R V E N T I O N AND OF F I C E R E P O R T )

W. P .(C) NO.4 5 0 OF 2 0 0 6  
(W I T H AP P L N . ( ) FO R EX- PA R T E STA Y AND P E R M I S S I O N AND  
AM E N D M E N T OF P R A Y E R P O R T I O N AND OF F I C E R E P O R T )

W. P .(C) NO.4 7 0 OF 2 0 0 6

(WI T H AP P L N .( S) FO R EX- PA R T E STA Y AND IM P L E A D M E N T AND OF F I C E REPORT)

W. P .(C) 2 1 2 OF 2 0 0 8

(WI T H AP P L N .( S) FO R AD- INT E R I M EX- PA R T E STA Y AND OF F I C E R E P O R T )

WI T H

W. P .(C) NO.2 2 9 OF 2 0 0 8

W. P .(C) NO.7 0 OF 20 0 8

AND

W. P .(C) NO.2 5 8 OF 2 0 0 8

(WI T H AP P L N .( S) FO R INT E R I M DI R E C T I O N S AND EX E M P T I O N F R O M FI L I N G O.T. AND OF F I C E R E P O R T )

I.A.No. 2 2 6 3 - 22 6 4 A in W. P .(C) NO.4 6 7 7 / 1 9 8 5

(FO R DI R E C T I O N S AND IM P L E A D M E N T ON B E H A L F OF AP R E A L E S T A T E )

WI T H

I.A.NOS. 2 3 5 0 - 2 3 5 1 IN W. P .(C) NO.4 6 7 7 / 1 9 8 5

(FO R IM P L E A D M E N T AND DI R E C T I O N ON B E H A L F OF WI L D LI F E P R O T E C T I O N SOCI E T Y )

Date: 21 / 1 0 / 2 0 0 8 These Petitions were called on for hearing today.

CORAM :

HON' B L E Dr. JUS T I C E ARI J I T PA S A Y A T

HON' B L E MR. JUS T I C E C.K. THA K K E R

HON' B L E MR. JUS T I C E LO K E S H W A R SIN G H PA N T A

...3/-

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For appearing parties :

Suo Moto Conmt. P et.

Petitioner- in-person

(C) No.2 0 4 / 0 8

Mr. Ranjit Ku m a r, Sr.Adv. (A.C.)

Mr. Vishnu Shar m a , Adv.

I.A.No. 2 1 7 8 - 21 7 9

Mr. Ranjit Ku m a r, Sr.Adv. (A.C.)

Mr. V.K. Verma, Adv.

Mr. D.N. Goburdhun, Adv.

Mr. P r aveen Swarup, Adv.

Mr. Vishnu B. Saha rya, Adv.

For M/s. Saha rya & Co., Adv.

I.A.D.No. 6 5 5 6 3

Mr. R. P . Bhatt, Sr.Adv.

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Mr. Vishnu Shar m a , Adv.

I.A.No. 2 2

Mr. Ranjit Ku m a r, Sr.Adv. (A.C.)

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Mr. M.C. Mehta (IN person)

Mr. V.K. Verma, Adv.  
Mr. D.N. Goburdhan, adv.  
Mr. P r aveen Swarup, Adv.  
Mr. Surya Kant, Adv.  
Mr. Dhruv Mehta, Adv.  
Mr. Rain a Mukherjee, Adv.  
Mr. Sunil Mathews, Adv.  
Mr. Rajat Joseph, Adv.  
M/s Saha rya & Co., Adv.

...4/-

-4-

M/o Urban Develop-  
ment (UOI)

Mr. G.E.V a h a nvati, SG  
Mr. Tufail A. Kha n, Adv.  
Mr. Devadat Ka m a t, Adv.  
Mrs. Sush m a Suri, Adv.  
Mr. B.V. Balr a m Das, Adv.

Mrs. Shiel Sethi, Adv.

Mr. Tarun Johri, Adv.

M/o Environ ment  
U.O.I.

Mr. Ashok Bhan, adv.  
Mr. M.P. S .to m a r , Adv.  
Mr. S. Wa si m A. Qadri, Adv.  
Ms. Kir an Bha rdwaj, Adv.  
Mr. D.S. Mahra, Adv.

Delhi Police  
UOI

Mr. S. Wa si m A. Qadri, Adv.  
Mr. M.P. S . Toma r, Adv.  
Ms. Anil Katiyar, Adv.

Mr. B. K. Pr a s a d, Adv.

Mr. Ra kes h K. Shar m a , Adv.

I.A.No. 2 3 3 1

Mr. Ranjit Ku m a r, Sr.Adv. (A.C.)

Mr. Ka m a l Gupta, Adv. (A.C.)

Mr. M.C. Mehta (In person)

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Mr. P. P . Malhotra, Sr.Adv.  
Mr. D.N. Goburdhan, Adv.

Mr. P r aveen Swarup, Adv.

For M/s. Saha rya & Co., Adv.

Mr. S.K. Sabha rw al, Adv.

W. P .(C) No.2 6 3 / 0 6

Mr. J a sbi r Singh Malik, Adv.  
Mr. R. K. Tripathi, Adv.  
Mr. S.C. Verm a, Adv.  
Ms. Pr aveen Lata, adv.

...5/-

Mr. S.K. Sabharwal, Adv.  
Mr. V.K. Verma, Adv.  
Mr. Shree Pal Singh, Adv.  
Ms. Bina Gupta, Adv.  
Mr. S.K. Bhattacharya, Adv.  
Mr. Anil Aggarwal (In person)  
For M/s K. J. John & Co., Adv.  
Mr. Maninder Singh, Adv.  
Mr. Pradeep Kumar Bakshi, Adv.  
Mr. A.S. Bhasme, Adv.  
Mr. Goodwill Indeevar, Adv.  
Mr. Sandeep Bhalla, Adv.  
Mr. P. K. Manohar, Adv.  
Mr. Sanjay Jain, Adv.  
Mr. Naveen R. Nath, Adv.  
Mr. Prakash Kumar Singh, Adv.  
Ms. Kamakshi S. Mehlwal, Adv.  
Ms. Prasanthi Prasad, Adv.  
Mr. S. Chandrasekhara, Adv.  
Mr. Manu Shanker Mishra, Adv.

W. P. (C) 264 / 06

Petitioner- in-person

Mr. V.K. Verma, Adv.

W. P. (C) 563 / 06

Petitioner- in-person

For M/s Saharya & Co., Adv.

...6/-

W. P. (C) 569 / 06

Mr. R.D. Upadhyay, Adv.

W. P. (C) 610 / 06

Mr. Prakash Kumar Singh

W. P. (C) 464 / 06

Mr. Prashant Bhushan, Adv.

Mr. V.K. Verma, Adv.

Mr. Praveen Swarup, Adv.

W. P. (C) 266 / 06

Mr. Avijit Bhattacharjee, adv.

Mr. P r aveen Swarup, Adv.

W. P .(C) 4 5 0 / 0 6

Mr. S.K.S a b h a r w a l, adv.

Mr. V.K. Verma, adv.

Mr. P r aveen Swarup, adv.

For M/s Saha rya & Co., Adv.

Mr. Surya Kant, Adv.

W. P .(C) 4 7 0 / 0 6

Petitioner- in-person

Mr. V.K. Verma, adv.

Mr. D.N. Goburdhan, adv.

For M/s Saha rya & Co., adv.

W. P .(C) 2 1 2 / 0 8

Ms. Vandan a Sehgal, Adv.

Mr. Rohan Thawa ni, Adv.

Mr. Hardeep Singh Anand, Adv.

W. P .(C) 2 2 9 / 0 8

Mr. Vikra nt Yadav, adv.

for Mr. M.C. Dhingra, Adv.

...7/-

-7-

W. P .(C) 7 0/ 2 0 0 8

Mr. B. K. P al, Adv.

W. P .(C) No.2 5 8 / 2 0 0 8

Mr. N.S. Dalal, Adv.

Mr. R.C. Kaus hi k, Adv.

I.A.No. 2 2 6 3 - 22 6 4 A

& I.A.2 3 5 0 - 2 3 5 1

I.A.No. 2 2 6 3 - 22 6 4 A

Mr. Uday U. Lalit, Sr.Adv.

Mr. Anurag Shar m a , Adv.

Mr. Joseph Pook k a tt, adv.

Mr. P r a s h a n t Ku m a r , Adv.

for M/s AP & J Chamber s

I.A.2 3 5 0 - 2 3 5 1

Ms. Indu Malhotra, Sr.Adv.

Mr. Anurag Shar m a , Adv.

Mr. Joseph Pook k a tt, Adv.

Mr. P r a s h a n t Ku m a r , Adv.

for M/s AP & J Chamber s

Mr. M.C. Mehta, Adv.

Mr. Ranjit Ku m a r, Sr.Adv. (A.C.)

Mr. V.K. Verma, Adv.

Mr. Ravi Sank a r Pr a s a d, Sr.adv.

Mr. Sanjiv Sen, Adv.

Mr. P r aveen Swarup, Adv.

Mr. D.N. Goburdhun, adv.

For M/s Saha rya & Co., Adv.

Mr. Surya Kant, Adv.

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

I.A.No. 2 2 in Writ Petition (C) No.4 6 7 7 of 1 9 8 5 and th

e

connected Writ Petition (C) Nos. 2 6 3 , 2 6 4 , 5 6 3 , 5 6 9 , 6 1 0 ,

...8/-

-8-

4 6 4 , 2 6 6 , 4 5 0 and 4 7 0 of 2 0 0 6 and 2 1 2 & 2 2 9 of 2 0 0 8 shall be listed  
on 3 rd and 4 th December, 20 0 8 before the Bench to be nominated by the  
Hon'ble Chief Justice of India to hear these matters.

I.A. No.2 3 3 1 shall also be taken up on that date along with the  
aforesaid cases.

By the earlier Order dated 25 th August, 20 0 8 it was directed  
that those who want to take the benefit of the amendments to the  
Master Pl an 202 1 shall give undertaking that no equity shall be  
claimed if ultimately the amendments are found to be not legal. It was  
also indicated that any person who makes any construction, alteration  
or purported misuse shall do so at his own risk. It is clarified that  
only on such underta kings by way of affidavits being filed before the  
M.C.D. the Monitoring Committee can be moved for the purpose of  
desealing.

I.A. No.2 3 3 1

This I.A. shall also be taken up on that date along with the  
aforesaid cases.

It is brought to our notice by the learned Amicus Curiae that  
"provisional regularis ation certificates" of unauthorised colonies shall  
be issued. Needless to say that if it is ultimately found that the  
stipulations in the

-9-

order of this Court dated 1 4 th

No.725 of 1994 have not been fulfilled then the inevitable conclusion would be that the provisional regularisation certificates issued shall be of no consequence. This shall be clearly indicated to the persons to whom provisional regularisation certificates have been or are being issued.

I.A. No.2331 shall also be taken up on that date along with the aforesaid cases.

I.A.D.No. 65563

An un-numbered I.A. i.e. I.A.D. No. 65563 has been filed. On a bare perusal of the I.A. it appears that serious attacks have been made on the competency of the members of the Monitoring Committee and the Learned A.C. This directly is an affront to the authority of the Supreme Court which has appointed the Monitoring Committee and on whose request the learned Amicus Curiae is assisting the Court.

Issue notice to the deponent of the petition Shri Bhuwan Mohan who is stated to be working as Secretary of the Society to show as to why action of contempt shall not be initiated against him and as to why exemplary cost of Rs. 25,00,000/- (Rupees Twenty Five Lacs) shall not be

...10/-

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imposed on him. The reply, if any, shall be filed within two weeks.

The matter shall be listed thereafter. The deponent, Shri Bhuwan Mohan shall appear in person on the next date i.e. on 3rd December, 2008.

Let the Monitoring Committee indicate its views so far as the reply to the Report No.62 to the Monitoring Committee concerned.

I.A. No. 2263 - 2264 A

Learned Amicus Curiae prays for two weeks time to put his response.

List on 3rd December, 2008.

I.A.No. 2313 - 2314 of 2008

Mentioned by Mr. U.U. Lalit, learned Senior Counsel.

List on 3 rd December, 20 0 8 . Learned Amicus Curiae shall also  
file his response in these matters also.

I.A.Nos. 2 3 5 0 - 2 3 5 1

Reply to the I.As. shall be filed within three weeks.

List on 3 rd December, 2 0 0 8 .

I.A. No.2 3 1 5 of 20 0 8

Taken on board.

In our Order dated 1 4 th March, 2 0 0 8 , in para (1) the word

"not" shall be added after the expression "it shall be" and before  
"more than 10 " .

I.A. is disposed of.

...1 1 /-

-1 1-

W. P . N o. 7 0 of 20 0 8

This writ petition be treated as I.A. Copy be supplied to  
learned Amicus Curiae to file his response. The Monitoring  
Committee shall also file its response.

Call after six weeks.

W. P . No.2 5 8 of 20 0 8

This writ petition be treated as I.A. The copy be supplied to  
learned Amicus Curiae to file his response. The Monitoring Committee  
shall also file its response.

Call after six weeks.

(Sukhbir P a ul Kau r)  
Court Master

(Shashi Bala Vij)  
Court Master