

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A. Nos.2140-2141 & 2210 in
WRIT PETITION (CIVIL) NO(s). 4677 OF 1985

M.C.MEHTA Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(For directions and impleadment and intervention)

RITNAND BALVED EDUCATION FOUNDATION. ...APPLICANT
(Umbrella Organization of Amity Physiotherapy College)

WITH
I.A. Nos.2250-2251 In WP(C) No.4677/1985
(For impleadment and direction on behalf of Ms. S.R. Bansal & Ors.)

WITH
I.A. Nos.2242, 2243 & 2244 in WP(C) No.4677/1985
(For impleadment, direction and exemption from filing OT
by Ms. Seema Atri)

WITH
I.A. Nos.2239, 2240 & 2241 in WP(C) No.4677/1985
(For impleadment & directions and exemption from filing OT
on behalf of Mukesh Kumar)

I.A. NO. 2226 In WPganga(C) NO. 4677 OF 1985
(Appln. for Trans Asian Industries Exposition (P) Ltd. & Anr.)

I.A. NOS. 2212-2213 In WP(C) NO. 4677 OF 1985
(For impleadment/directions on behalf of Ms. Shanno Devi)

I.A. NOS. 2214-2215 In WP(C) NO. 4677 OF 1985
(For directions on behalf of Ms. Seema Sethi)

I.A. NOS. 2216-2217 In WP(C) NO. 4677 OF 1985
(For impleadment/direction on behalf of A.K. Raina)

I.A. NO. 2185 In WP(C) 4677 OF 1985
(Matter regarding Raj Vidya Kendra)

I.A. No. 2161 In W.P.(C) NO. 4677 OF 1985
(For impleadment/directions on behalf of Delhi Tourism and
Trans Corporation)

I.A. NOS. 2189-2190 IN WP(C) NO. 4677 OF 1985
(appln. for impleadment & directions on behalf of Leman
International Pvt. Ltd.)

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I.A. NO. 2035, 2036 and 2037 In W.P.(C) NO. 4677 of 1985
(For directions/impleadment and exemption from filing O.T. on
behalf of Chandani Chowk Sarv Vyapar Mandal)

WITH
I.A. No.2252 in WP(C) No.4677/1985
(For impleadment & directions on behalf of J.L. Garg and Ors.)

WITH
I.A. No.2253 in WP(C) No.4677/1985
(For impleadment & directions on behalf of Ashok Aggarwal and Ors.)

WITH
I.A. No.2254 in WP(C) No.4677/1985
(For impleadment & directions on behalf of J.L. Garg & Ors.)

WITH
I.A. No.2255 in WP(C) No.4677/1985
(For impleadment & directions on behalf of Kamlesh Garg & Ors.)

WITH
I.A. Nos.2257-2258 in WP(C) No.4677/1985
(For impleadment & directions on behalf of Arjun Kr. Nangia)

WITH
I.A. No.2259 in WP(C) No.4677/1985
(For direction on behalf of All India Digambar Jain Society)

WITH
I.A. Nos.2001 & 2043 in WP(C) No.4677/1985
(For impleadment & directions on behalf of CTC)

WITH
I.A. Nos.2031-2032 & 2065 in W.P.(C) No.4677/1985
(For impleadment and directions, early hearing on behalf of
Mishra Charitable Trust)

WITH
I.A. Nos.2245-2247 in WP(C) No.4677/1985
(For impleadment & directions on behalf of Mr. Shailendra Kr.
Kasana and exemption from filing OT)

I.A. Nos.2051-2052 & 2060 in W.P.(C) No.4677/1985
(For intervention, directions and permission to file additional
documents on behalf of Delhi Society for the Welfare of
Special Children)

And
I.A. Nos.37-38 in W.P.(C) No.263/2006
(For direction and intervention with office report)

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Date: 10/03/2008 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE C.K. THAKKER
HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

Mr. Ranjit Kumar, Sr. Adv. (A.C.)
Mr. Kamal Gupta, Adv. (A.C.)

For Petitioner(s) Mr. M.C. Mehta,
Petitioner-in-person

For Respondent(s)/ Mr. Ashok Bhan, Adv.
UOI Mr. M.P.S. Tomar, Adv.
Mr. D.S. Mahra, Adv.
Mr. B.K. Prasad, Adv.

For Delhi Police
& Govt. of NCT
of Delhi

Mr. Ashok Bhan, Adv.
Ms. Kiran Bhardwaj, Adv.
Mr. M.P.S. Tomar, Adv.
Mr. W.A. Qadri, Adv.
Mr. D.S. Mahra, Adv.

Ms. Prerna Kumari, Adv.
Mrs. Anil Katiyar, Adv.

for DDA

Mr. Vinshu B. Saharya, Adv.
for M/s. Saharya & Co.

Mr. Vijay Panjawani, Adv.

Ms. Shiel Sethi, Adv.
Mr. Navratan Choudhary, Adv.

Mr. Vinay Garg, Adv.
Mrs. Deepam Garg, Adv.
Mr Anhinav Ramkrishna, Adv.

Mr. D.N. Goburdhan, Adv.
Ms. Pinky Anand, Adv.
Ms. Geeta Luthra, Adv.

Mr. Sanjiv Sen, Adv.
Mr. Subhash Bansal, Adv.

Mr. Praveen Swarup, Adv.

Mr. Rakesh K. Khanna, Sr. Adv.
Dr. Rashmi Khanna, Adv.
Mr. Pranav Vyas, Adv.
Mr. Faizy Ahmad, Adv.
Mr. Surya Kant, Adv.

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Mr. Rana Mukherjee, Adv.
Mr. Adarsh Priyadarshi, Adv.
Ms. Sumita Hazarika, Adv.

Mr. Sunil Kr. Verma, Adv.

Ms. Purnima Bhat Kak, Adv.

Ms. Abha R. Sharma, Adv.

Mr. T. Anil Kumar, Adv.

Mr. R.P. Singh, Adv.

Mr. Sudhir Nandrajog, Adv.

Ms. Shobhana Thakur, Adv.
Ms. Shweta Chadha, Adv.
Ms. Binu Tamta, Adv.

Mr. R. N. Karanjawala, Adv.
Ms. Ruby Singh Ahuja, Adv.
Mr. Manu Agarwal, Adv.
Ms. Manik Karanjawala, Adv.

Mr. K.K. Mohan, Adv.

Mr. Sushil Kr. Jain, Adv.

Mr. Subramanium Prasad, Adv.

Mr. Altaf Ahmed, Sr. Adv.

Mr. Ajay Sharma, Adv.

Mr. Sanjay Rastogi, Adv.

Ms. Suruchi Aggarwal, Adv.

Mr. Manish Kumar, Adv.

Mr. Amit Kumar, Adv.

Mr. Rakesh K. Sharma, Adv.

Mr. Sunil K. Verma, Adv.

Mr. Senthil Jagdeesan, Adv.

Mr. Jasbir Singh Malik, Adv.

Ms. Shilpi, Adv.

Mr. Sanjay Rathi, Adv.

Mr. R.K. Tripathi, Adv.

Mr. S.K. Sabharwal, Adv.

Mr. Naveen R. Nath, Adv.

Ms. Lalit Mohini Bhat, Adv.

Ms. Hetu Arora, Adv.

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Mr. Manoj Kr. Dwivedi, Adv.

Mr. G. Venkateswara Rao, Adv.

UPON hearing counsel the Court made the following
ORDER

I.A. NOS.2140-41, 2210

It is stated that the DDA shall hear the applicant on
12.03.2008 and take a decision within a period of two weeks.
Prayer of the DDA in this regard is accepted.

I.A. NOS.2250-51

Copy of Report No.51 so far as it relates to the
applicant - S.R. Bansal and Ors. be supplied to learned
counsel appearing for the applicant. Response, if any, shall be
filed within two weeks.

I.A. NOS.2239-41, 2242-44, 2245-47

We are told that there is a dispute about 12 shops
being located in Ghaziabad, and LPA No.699 of 2005 is
pending before the High Court of Delhi. We request the High
Court of Delhi to dispose of the said LPA by the end of April,
2008.

I.A. NO.2226

Two weeks' time is granted to the NDMC to respond to
the affidavit filed by the applicant. In the meantime, for a

period of one week, de-sealing may be done to enable the applicant to remove the articles.

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I.A. NOS.2212-13, 2214-15, 2216-17

List the I.As. on 14.03.2008.

I.A. NO.2185

Let the applicant, the State authorities appear before the Monitoring Committee on a date to be fixed by it so that the respective stand of the parties can be examined and further report can be given. Call this matter after four weeks.

I.A. NOS.2161, 2189-90

Two weeks' time, as prayed for, is granted to the applicant for submitting reply in terms of the order dated 18.02.2008.

I.A. NOS.2035-37

In view of the accepted position that no registration of commercial establishments in special areas is required in view of the MPD provisions, the applications are disposed of.
I.A. Nos.2252, 2254, 2253, 2255

In view of the statement made that in each case, the applicant shall file an undertaking to use the property in question only for the conforming purposes in accordance with the Master Plan, de-sealing shall be done subject to verification by the Monitoring Committee of the correctness of the undertakings. The I.As. are, accordingly, disposed of.

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I.A. Nos.2257-58

A copy of the Report so far as it relates to this applicant be supplied to learned counsel appearing for the MCD, who shall file a response within three weeks.

I.A. No.2259

Issue notice.

Let the MCD, DDA and the Monitoring Committee file their response within two weeks.

I.A. Nos.2001 & 2043

Copy of Report No.51 of the Monitoring Committee be supplied to learned counsel for MCD so far as CTC Plaza is concerned. Response shall be filed within two weeks.

I.A. Nos.2031-32, 2051-52

Call after two weeks, as prayed for.

I.A. Nos.37-38 in W.P.(C) No.263/2006

Let the DDA and the Monitoring committee file response to I.A. Nos.37 and 38 with reference to the order passed by the Additional Commissioner (Engineering), as communicated by the Chief Town Planner dated 12.02.2008.

I.A. Nos.2260-61

Upon mention, taken on board.

List the I.As. on 14.03.2008 before the Special Bench dealing with sealing matters.

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Report No.50

Perused the Report No.50 of the Monitoring committee relating to progress of sealing. Let the sealing activities be completed latest by 30th June, 2008. The police authorities shall render necessary assistance to see that our order is implemented fully. The status report about the sealing shall be filed before the next date fixed in July, 2008. Copy of our order be supplied to learned counsel for the MCD, Govt. of NCT of Delhi and also to the Monitoring Committee.

Copy of Report No.50 of the Monitoring Committee relating to de-sealing be supplied to learned counsel for MCD and DDA so that response can be filed within three weeks.

It is brought to our notice in the 49th and 50th Reports of the Monitoring Committee that members of the sealing team are being manhandled. It is made clear that police

authorities, M.C.D. officials & Monitoring Committee shall indicate the details of the persons who are doing so, so that stringent action for contempt can be taken against the concerned persons in addition to such action as is required to be taken in law.

For the present, let no sealing be done in respect of the Guest Houses which are covered by the

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National Capital Territory of Delhi Laws (Special Provision) 2007 and the Master Plan.

Rest of the Guest Houses operating without licences shall be sealed immediately.

So far as the classification of roads is concerned, further report shall be filed by the MCD within three weeks.

(Neena Verma)
Court Master

(Vijay Aggarwal)
Court Master