

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

I.A. No.2 2 in
W R I T P E T I T I O N (CIVI L) NO(s). 4 6 7 7 OF 1 9 8 5

M.C.M E H T A Petitioner(s)

V E R S U S

U N I O N O F I N D I A & O R S. Respondent(s)

W I T H
I.A. No.2 1 7 7 in IA 2 1 1 0 in IA No.2 2 in W P(C) No.4 6 7 7 / 1 9 8 5
(For directions, extension of time on behalf of M/s. Jindal
India Pvt. Ltd.)

I.A. No.2 0 6 4 in W P(C) No.4 6 7 7 / 1 9 8 5
(For intervention on behalf of All India Huma n Rights Society)

IA 2 0 9 2 - 2 0 9 3 in W P © 4 6 7 7 of 1 9 8 5
(For intervention/stay on behalf of EM P I B Students Foru m and EM P I
Business)

I.A. No.2 1 7 6 in I.A. No.2 2 in W. P .(C) No.4 6 7 7 / 1 9 8 5
(For intervention on behalf of Maha r aj Ku m a r Kustav Mani Pr a tap)

I.A. Nos.2 0 5 7 & 2 0 5 8 in W P (C) No.4 6 7 7 / 1 9 8 5
(For impleadment/direction on behalf of Mr. V.N. Raghupathy,Adv.)

W I T H
IA 2 0 6 1 & 2 0 6 2 in W P(C) No.4 6 7 7 of 1 9 8 5
(For directions and implead ment)

IA 2 0 6 6 in W P (C) No.4 6 7 7 of 1 9 8 5
(For directions on behalf of M/s. Delhi Loha Vyapar Association)

IA 2 0 8 7 in W P © 4 6 7 7 of 1 9 8 5
(For directions on behalf of Retail Coal and Firewood Trader' Welfa re Association)

W I T H
IA 2 0 4 9 & 2 0 5 0 in W P © 4 6 7 7 of 1 9 8 5
(For directions and implead ment on behalf of M/s. P recise Automobile)

IA 2 0 8 5 - 2 0 8 6 in W P © 4 6 7 7 of 1 9 8 5
(For direction and intervention on behalf of M/s. Steelco (India)
Pvt. Ltd.)

IA 2 0 8 8 - 2 0 8 9 in W P © 4 6 7 7 of 1 9 8 5
(For directions and intervention on behalf of M/s. Home Decovel)

Contd....2/-

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W I T H
I.A. Nos.3 7- 3 8 in W. P .(C) No.2 6 3 / 2 0 0 6
(For directions/intervention)

IA 2 1 4 6 & 2 1 6 7 in IA 2 2 in W P(C) No.4 6 7 7 of 1 9 8 5
(For directions on behalf of "Your Kids 'R Kids")

W I T H
IA 2 0 8 0 - 2 0 8 1 & 2 1 6 5 - 2 1 6 6 in W P(C) No.4 6 7 7 of 1 9 8 5
(For directions and implead ment on behalf of M/s. Carma Art and Craft(P) Ltd. and
permission to file addl. documents and facts)

IA 2 1 7 8 @ W. P .(C) No.4 8 2 / 2 0 0 7 vide Court's order dated 2 7. 0 8 . 2 0 0 7
in W. P .(C) No.4 6 7 7 / 1 9 8 5

(For directions on behalf of Ban a r a s i Das Chandiwal a Trust Society
and Anr.)

IA 2 1 7 9 in IA No.2 1 7 8 in W P(C) No.4 6 7 7 / 1 9 8 5
(For directions/clarification of Court's order dated 2 7. 0 8 . 2 0 0 7)

I.A. No. 2 1 5 9 - 2 1 6 0 in W. P .(C) No. 4 6 7 7 / 8 5
(for implead ment and directions on behalf of Mr. Mahabir Singh)

IA No.2 1 8 0 in W P(C) No.4 6 7 7 / 1 9 8 5
(For directions on behalf of Delhi P r ades h Citizen Council)

I.A. Nos.2 1 8 1 & 2 1 8 2 in W. P .(C) No.4 6 7 7 / 1 9 8 5
(For direction and impleadment)

Date: 0 8 / 1 0 / 2 0 0 7 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUS T I C E ARI J I T PA S A Y A T
HON'BLE MR. JUS T I C E C.K. THA K K E R
HON'BLE MR. JUS T I C E LO K E S H W A R SING H P A N T A

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

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

For Respondent(s)/ Mr. A. Shar a n, A.S.G.
Union of India Ms. Rajni Singh,Adv.
Mr. R.C. K athi a,Adv.
Mr. Devadatt Ka m a t,Adv.
Mr. T.A. Kha n,Adv.
Mr. V.K. Verm a,Adv.

For Delhi Police Mr. Ashok Bhan,Adv.
Ms. Kir an Bha rdwaj,Adv.
Mr. D.S. Mahr a,Adv.

Contd....3/-

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M.C.D. Mr. Sanjiv Sen,Adv.
Mr. P r aveen Swarup,Adv.
Mr. Subha sh Ban s al,Adv.

D.D.A Mr. Vishnu B. Sah a rya,Adv.
Mr. Viresh B. Sah a rya,Adv.
for M/s. Sah a rya & Co.

MoUB/ D P C C / D S I D C Mr. D.N. Goburdhun,Adv.
NCT of Delhi & Ms. Geeta Luthr a,Adv.
DSI DC Ms. Pin ky Anand,Adv.

NDMC Mr. Ra kes h K. Kh an n a, Sr.Adv.
Dr. Rash mi Kh an n a,Adv.
Mr. P r a n av Vyas,Adv.
Mrs. Shailja Sinha,Adv.
Mr. Neeraj Ku m a r Shar m a , Adv.
Mr. Surya K ant,Adv.

NCR P B : Mrs. Sheil Sethi,Adv.

Mr. Ra kes h Ku m a r Shar m a ,Adv.

Mr. J a sbir Singh Malik,Adv.
Mr. S.K. Sabha r wa l,Adv.

Mr. Mushtaq Ahmed,Adv.

Mr. R. P . Bhatt, Sr.Adv.
Ms. Anita P a ndey,Adv.
Mr. Dinesh Kr. Tiwary,Adv.
Mr. Vishnu Shar m a , Adv.

Mr. Mukul Rohtagi, Sr.Adv.
Mr. K.V. Vishwan ath a n,Adv.
Mr. Dipak Ku m a r Jen a,Adv.

Mr. Mukul Rohtagi, Sr.Adv.
Mr. K. K . Gupta,Adv.
Mr. Viraj Kad a m, Adv.
Ms. Suruchi Agarwal,Adv.

Mr. V.N. Raghupathy,Adv.

Mr. B.S. Jain,Adv.
Mr. Ajay Veer Singh,Adv.
Ms. Mamta Jain,Adv.
Mr. Manish Raghav,Adv.
Mr. J. P . Singh,Adv.
Ms. Neha Tiwari,Adv.
Mr. Anand Mishr a,Adv.
Dr. (Mrs.) Vipin Gupta,Adv.

Contd....4/-

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Ms. K.V. Bha rthi Upadhyay,Adv.

Mr. Nafis Ahmed Siddiqui,Adv.

Mrs. Gouri Ka r un a Das,Adv.
Mr. Sanjay Mani Tripathi,Adv.
Mrs. Geetanjali Malviya,Adv.
Mr. Pervez A. Siddiqui,Adv.
Mr. Abhay Mani Tripathi,Adv.
Ms. Anu Gupta,Adv.

Mr. M.C. Dhingra,Adv.
Ms. Aarti Topa,Adv.
Mr. Sunil Goel,Adv.

Mr. Vijay P a njw a ni,Adv.

Mr. Naveen R. Nath,Adv.
Ms. Hetu Arora,Adv.
Ms. Lalit Mohini Bhat,Adv.

Mr. Reetesh Singh,Adv.
Mr. Raja n Dubey,Adv.
Mr. S.,Adv.
Mr. P r a s h a nt Choudhary,Adv.

Mr. Mukul Rohtagi, Sr.Adv.
Mrs. Deepam Garg,Adv.
Mr. Vinay Garg,Adv.

Mr. S. P r a k a s h ,
Applicant- in-person

Ms. Meenak s hi Arora,Adv.

Mr. Ra mes h N. Keshwa ni,Adv.

Mr. Ra ml al Roy,Adv.

Mr. C.G. Sivaku m a r a n ,Adv.

Mr. Manjit Singh,Adv.

Mr. W.A. Quadri,Adv.

Mr. Anil Ku m a r Jh a,Adv.

Mr. Vijay Pr a tap Singh,Adv.

Mr. Goodwill Indeevar,Adv.(N. P .)

Contd....5/-

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

I.A. No.2 1 7 7

As a last chance, time is granted till 3 1

st

October, 2 0 0 7

to

stop the misuser of the premises.

I.A. Nos.2 1 0 9 , 2 1 1 0 and 2 1 7 7 are accordingly disposed of.

I.A. No.2 0 6 4

The I.A. shall be listed on 1 3. 1 1 . 2 0 0 7

with the main

matter.

I.A. Nos.2 0 8 2 , 2 0 9 2 - 2 0 9 3 , 2 0 9 4 , 2 0 9 5 & 2 1 5 3 - 2 1 5 4

List on 2 9. 1 0 . 2 0 0 7 . If any response by the DDA is to be

filed, the same shall be filed latest by 2 4. 1 0 . 2 0 0 7 .

I.A. Nos.2 0 5 7 - 2 0 5 8 & 2 0 6 1 - 2 0 6 2

The MCD does not propose to file any response.

It adopt

s

the stand taken by the DDA.

I.A. No.2 0 6 6

In view of the response of the DDA,

I.A. No.2 0 6 6

is
rejected.

I.A. No.2 0 8 7

None appears to support the application.

In view of the response filed by DDA, I.A. No.2 0 8 7

is

rejected.

I.A. No.2 0 4 9 - 2 0 5 0

In view of the order dated 2 7. 0 8 . 2 0 0 7 , no further order is necessary to be passed in these I.As. The I.As. are accordingly disposed of.

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I.A. Nos.2 0 8 5 - 2 0 8 6 , 2 0 8 8 - 2 0 8 9

Two weeks' time is granted to the Monitoring Committee to furnish its reply. Call the matter after two weeks.

I.A. Nos.3 7- 3 8 in W. P .(C) No.2 6 3 / 2 0 0 6

Learned counsel for the petitioner states that an appropriate application for change of the outlay plan shall be made within three weeks from today. The authorities would do well to consider the same and pass necessary orders in accordance with law within a period of eight weeks.

The matter shall be listed after eight weeks.

I.A. Nos.2 1 4 6 , 2 1 6 7 and 2 1 7 6

We find no merit in these I.As. The I.As. are, accordingly, rejected.

However, time for stoppage of the misuser is granted till end of December, 2 0 0 7 . The premises shall be de-sealed for the above said period only. We make it clear that our order shall not be construed to be expression of any view in the litigation pending between the landlord and the tenant- applicant.

I.A. Nos.2 0 8 0 - 2 0 8 1 & 2 1 6 5 - 2 1 6 6

The Archaeological Survey of India shall submit its report within two weeks. The Monitoring Committee shall also examine the report of the ASI and submit its report before the next date which is fixed to 2 9. 1 0 . 2 0 0 7 .

Contd.....7 /-

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I.A. Nos.2 1 7 8 & 2 1 7 9

The Registry shall supply extracts of the Monitoring Committee's Report No.4 0 so far as they relate to Chandiwala

Estate, i.e. paragraphs 2 1 to 2 9.

Response, if any, to these observations of the Monitoring Committee's Report shall be filed within three weeks. Put up thereafter.

I.A. Nos.2 1 5 9 - 2 1 6 0

A copy of the extracts of Report No.4 2 of the Monitoring Committee so far as it relates to Shri Mahabir Singh, (i.e. Serial No.5) shall be supplied to the applicant by the Registry. Response, if any, to the Report by the applicant within three weeks. List thereafter.

I.A. No.2 0 8 4

Upon being mentioned, the matter is taken on board.

List on 1 3. 1 1 . 2 0 0 7 .

I.A. Nos.2 1 8 0 , 2 1 8 1 & 2 1 8 2

By these applications, the validity of the Ordinance dated 1 5. 0 9 . 2 0 0 7 has been questioned.

Issue notice.

The Union of India, DDA, NCT of Delhi and the MCD shall file their response.

Learned Amicus Curiae shall also indicate his views by a memorandum. The views of the Monitoring Committee shall also be placed on record, in addition to the views expressed in the Report dated 0 5. 1 0 . 2 0 0 7 , i.e. in Report

Contd...8 /-

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No.4 3 (paragraph No.2). This matter shall be listed along with the original writ petitions which are listed on 1 3. 1 1 . 2 0 0 7 . The response by the different agencies shall be filed by 0 1. 1 1 . 2 0 0 7 in order to enable learned A.C. to indicate his views, who shall do so by 1 2. 1 1 . 2 0 0 7 .

I.A. No.2 2

From the Report of the Monitoring Committee dated 0 5. 1 0 . 2 0 0 7 (Report No.4 3), it appears that there is a difference in perception of MCD and DDA about sealing in special areas. While the DDA in its letter dated 1 0. 0 8 . 2 0 0 7 states that properties on

notified streets

qualify for payment of conversion charges as per the mixed use regulations prescribed in M P D- 2 0 2 1 , such mixed use/commercial activities may not be allowed on streets which are not notified in residential areas.

The MCD appears to be of the view that the Special Areas are exempted from any punitive action for a period of three years from the date of notification of the M P D- 2 0 2 1 .

A copy

of the extracts of Report No.4 3 (paragr aphs 6 and 7)shall be supplied by the Registry to learned counsel for the MCD along with a copy of the letter ('Annexure- B'). The response of the MCD, if any, shall be filed within three weeks.

If any action for sealing is being taken pursuant to and in line with this Court's order dated 2 4 . 0 3 . 2 0 0 6 and 1 1 . 0 5 . 2 0 0 6 , the same shall be in order.

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It is pointed out by the Monitoring Committee in its report that the conversion charges have not been paid for registration as small shops or for carrying out commercial activities. Learned counsel for the MCD shall find out the actual position and file an affidavit.

So far as functioning of NGOs in residential buildings is concerned, the Monitoring Committee has given its report with reference to a letter of the DDA dated 2 7 th August, 2 0 0 7 . Since the matter needs to have the attention of the MCD and the DDA, let the extracts of Report No.4 3 of the Monitoring Committee (paragraphs 1 4 and 1 5) be supplied to learned counsel for the MCD and DDA so that their response can be brought on record within three weeks. Call the matter after three weeks.

We have considered the recommendations of the Monitoring Committee, as contained in paragraph- 1 6. The storage of agricultur al produce like rice, wheat and pulses in the godowns in rural areas shall be permitted so that the agricultural produces can be stocked in such godowns.

Issue notice to Raj Vidya Kender, Village Shahurpur along

with extracts of Report No.4 3 (paragr aph- 1 7) of the Monitoring
Committee's Report to show cause as to why action in terms of the
recommenda tions shall not be taken.

Issue notice also to the National Capital Territory of Delhi
to file its response. The response shall be

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-1 0-

filed within four weeks. List after four weeks.

The matters which were directed to be listed on 2 2 . 1 0 . 2 0 0 7
shall be listed on 2 9 . 1 0 . 2 0 0 7 .

(Neena Verm a) (Vijay Aggarwal)
Court Master Court Master
IT E M NO.MM- A COURT NO.4 S E C T I O N P I L

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

I.A. Nos.2 1 4 0 - 2 1 4 1 in
W R I T P E T I T I O N (CIVI L) NO(s). 4 6 7 7 OF 1 9 8 5

M.C.M E H T A Petitioner(s)

V E R S U S

UNION OF INDI A & O R S. Respondent(s)

(For directions and implead ment and intervention)

Ritan a nd Balved Educaton FoundationApplicant
(Umbrella Organization of Amity Physiother apy College)

Date: 0 8 / 1 0 / 2 0 0 7 This petition was mentioned today.

CORA M :

HON' B L E DR. JUS T I C E ARI J I T P A 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 L O K E S H W A R S I N G H P A N T A

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

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

For Applicant(s) Mr. Mukul Rohtagi, Sr.Adv.
(Mentioned by)

For Respondent(s)/ Mr. A. Shar a n, ASG
Union of India Ms. Rajni Singh,Adv.
Mr. Devdatt Ka m a t,Adv.
Mr. T.A. Kha n,Adv.
Mr. R.C. Kathia,Adv.
Mr. V.K. Verma,Adv.

M.C.D. Mr. Sanjiv Sen,Adv.

Mr. P r aveen Swarup,Adv.
Mr. Subha sh Ban s al,Adv.

D.D.A

Mr. Vishnu B. Sah a rya,Adv.
Mr. Visesh B. Sah a rya,Adv.
for M/s. Sah a rya & Co.

Contd.....2/-

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

As a last chance, time is granted till 22nd October, 2007 to
the D.D.A. to file its response. The matter shall be listed on
29.10.2007.

The interim order shall continue till then.

(Neena Verm a)
Court Master

(Vijay Aggarwal)
Court Master

IT E M NO.MM- B

COURT NO.4

S E C T I O N P I L

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

I.A. Nos.2183 - 2184 in
W R I T P E T I T I O N (C I V I L) NO(s). 4677 OF 1985

M.C.M E H T A

Petitioner(s)

V E R S U S

U N I O N O F I N D I A & O R S.

Respondent(s)

(For impleadment and for clarification of Court's orders dated
07.05.2007 and 23.07.2007)

Date: 08 / 10 / 2007 This petition was mentioned today.

C O R A M :

H O N ' B L E D R. J U S T I C E A R I J I T P A S A Y A T
H O N ' B L E M R. J U S T I C E C . K . T H A K K E R
H O N ' B L E M R. J U S T I C E L O K E S H W A R S I N G H P A N T A

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

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

For Applicant(s) Mr. Pr a mod Dayal,Adv.
(Mentioned by)

For Respondent(s)/ Mr. A. Shar a n, ASG
Union of India Ms. Rajni Singh,Adv.
Mr. Devdatt Ka m a t,Adv.

Mr. T.A. Khan,Adv.
Mr. R.C. Kathia,Adv.
Mr. V.K. Verma,Adv.

M.C.D.

Mr. Sanjiv Sen,Adv.
Mr. P r aveen Swarup,Adv.
Mr. Subha sh Ban s al,Adv.

D.D.A

Mr. Vishnu B. Sah a rya,Adv.
Mr. Vishes B. Sah a rya,Adv.
for M/s. Sah a rya & Co.

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

The I.As. shall be listed on 2 9 . 1 0 . 2 0 0 7 .

(Neena Verm a)
Court Master

(Vijay Aggarwal)
Court Master