

0223

OUT-TODAY

ITEM NO.301+305

COURT NO.4

SECTION PIL

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.1958 In IA No.22 in
WRIT PETITION (CIVIL) NO(s). 4677 OF 1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH
I.A. No.2026 & 2074 in I.A. No.22 in WP(C) No.4677/1985
(For impleadment, directions and stay on behalf of All India
Digamber Jain Society, Delhi)

AND
I.A. No.2027 in W.P.(C) No.4677/1985
(For directions on behalf of State Bank of India)

AND
I.A. No.2028 in W.P.(C) No.4677/1985
(For impleadment on behalf of State Bank of India)

WITH
I.A. Nos.2025 & 2075 in I.A. No.22 in W.P.(C) No.4677/1985
(For directions on behalf of M/s. Alpha Bhoj)

WITH
I.A. No.2029 in I.A. No.22 In W.P.(C) No.4677/1985
(For intervention and directions)

WITH
I.A. Nos.2031-2032 & 2065 in W.P.(C) No.4677/1985

(For intervention and direction and early hearing on behalf of
Mishra Charitable Trust)

WITH
I.A. Nos.2038 & 2039 in I.A. No.22 in W.P.(C) No.4677/1985
(For directions on behalf of East Inn Guest House and Vikas Marg
Vyapar Mandal (Regd.))

WITH
I.A. Nos.2035, 2036 & 2037 in I.A. No.22 in W.P.(C) No.4677/1985
(For directions, impleadment and exemption from filing OT on behalf
of Chandni Chowk Sarv Vyapar Mandal)

WITH
I.A. Nos.2001 and 2043 in I.A. No.22 in W.P.(C) No.4677/1985
(For impleadment and directions and condonation of delay in filing reply
on behalf of CTC Plaza)

Contd....2/-

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WITH
I.A. Nos.2049 & 2050 in W.P.(C) No.4677/1985
(For directions and impleadment on behalf of M/s. Precise Automobile)

WITH
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)

WITH

I.A. Nos.2061 & 2062 in W.P.(C) No.4677/1985
(For directions and impleadment)

WITH

I.A. No.2063 in W.P.(C) No.4677/1985
(For intervention and directions)

WITH

I.A. No.2064 in W.P.(C) No.4677/1985
(For intervention on behalf of All India Human Rights Society)

WITH

I.A. No.2066 in W.P.(C) No.4677/1985
(For directions on behalf of M/s. Delhi Loha Vyapar Association)

WITH

I.A. Nos.2067 & 2068 in W.P.(C) No.4677/1985
(For directions and exemption from filing OT on behalf of Mandir Nili Chattri)

WITH

I.A. Nos.2069 & 2069-A in W.P.(C) No.4677/1985
(For stay and direction of W.P.(C) D. No.4196/2007 in pursuance of Court Order dated 12.02.2007)

WITH

I.A. Nos.2070 & 2071 in W.P.(C) No.4677/1985
(For directions on behalf of Delhi Traders Association)

WITH

I.A. Nos.2072 & 2073 in W.P.(C) No.4677/1985
(For intervention/directions & stay on behalf of D.D.A. Market Joint Action Committee, Vikas Puri, Delhi)

WITH

I.A. Nos.2057 & 2058 in W.P.(C) No.4677/1985
(For directions and impleadment on behalf of Mr. V.N. Raghupathy)

WITH

I.A. No.2059 in W.P.(C) No.4677/1985
(For directions on behalf of M.C.D.)

WITH

I.A. No. 2046 in W.P.(C) No.4677/1985
(For impleadment & directions on behalf of Great Getsby Club)

WITH

I.A. No. 2047 in W.P.(C) No.4677/1985
(For modification of Court's order on behalf of Union of India)

Contd....3/-

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WITH

I.A. No. 2048 in W.P.(C) No.4677/1985
(For directions on behalf of M.C.D.)

I.A. No.2076 and 2077 in W.P.(C) No.4677/1985
(For directions and intervention)

With

IA 2080-2081 in WP © 4677 of 1985
(For directions and impleadment on behalf of M/s Carma Art and Craft (P) Ltd.

WITH
IA 2082 in WP © No.4677/1985
(For directions on behalf of society for innovative education
development (EMP) business school)

IA 2078 in IA No.22 in WP © 4677 of 1985
(For Intervention/directions)

WITH
IA 2083 in IA 22 in WP © No.4677/1985
(For Impleadment and directions on behalf of
South Extn-I Market Association)

IA 2084 in IA No.22 in WP © 4677 of 1985
(for modification of order dt. 23.11.2006 on behalf of
Commissioner of Police, Delhi)

IA 2085-2086 in IA No.22 in WP © 4677 of 1985
(For direction and intervention on behalf of M/s. Steelco (India)
Pvt. Ltd.)

IA 2087 in WP © 4677 of 1985
(For directions on behalf of Retail Coal and Firewood Trader' Welfare Association)

IA 2088-2089 in WP © 4677 of 1985
(For directions and intervention on behalf of M/s. Home Decovel)

IA 2091 in WP © 4677 of 1985
(For intervention and direction on behalf of M/s. Rahul Gas Agency)

IA 2092-2093 in WP © 4677 of 1985
(For direction and intervention on behalf of EMPI Students Forum)

IA 2094-2095 in WP © 4677 of 1985
(For directions and intervention on behalf of Faculty and Staff Forum
(EMPI Business School)

IA 2096-2097 in WP © 4677 of 1985
(For intervention/direction and exemption from filing OT on behalf
of All India personality enhancement and cultural Centre for scholars
society)

IA 2098 in WP © 4677 of 1985
(For directions and intervention on behalf of KSHIPRA Oversead Pvt. Ltd.)

Contd....4/-
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IA 2099 in WP © 4677 of 1985
(For directions and permission to file application on behalf of
Dolphin International Ltd.)

WITH
I.A. Nos.2101-2102 In W.P.(C) No.4677/1985
(For impleadment, direction for extension of time to vacate premises)

Date: 14.05.2007 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 ALTAMAS KABIR

Mr. Ranjit Kumar, Sr. Adv. (A.C.)
Ms. Vibha Datta Makhija, Adv. (A.C.)

For Petitioner(s) Mr. M.C. Mehta,

Petitioner in person

For Respondent(s)/Mr. G.E. Vahanvati, Solicitor General
Union of IndiaMr. Amarendra Sharan, A.S.G.
Mr. Devadatt Kamat,Adv.
Mr. T.A. Khan,Adv.
Mr. V.K. Verma,Adv.

For Delhi PoliceMr. A. Sharan, ASG
Mr. Ashok Bhan,Adv.
Ms. Kiran Bhardwaj,Adv.
Mr. M.P.S. Tomar,Adv.
Mr. D.S. Mahra,Adv.

M.C.D.Mr. Sanjib Sen,Adv.
Mr. Praveen Swarup,Adv.
Mr. Subhash Bansal,Adv.

D.D.AMr. A. Sharan, A.S.G.
Mr. Vishnu B. Saharya,Adv.
for M/s. Saharya & Co.

MoEFMr. T.S. Doabia, Sr.Adv.
Mr. Rajeev Dutta, Sr.Adv.
Mr. Vikas Sharma,Adv.
Mr. R.C. Kathia,Adv.
Mr. D.S.Mahra,Adv.

MoUB/DPCC/DSIDCMr. D.N. Goburdhun,Adv.
NCT of Delhi &Ms. Pinky Anand,Adv.
DSIDCMs. Geeta Luthra,Adv.

Mr. Mukul Rohtagi, Sr.Adv.
Mr. Dhruv Mehta,Adv.
Mr. Harshvardhan Jha,Adv.
Mr. Yashraj Singh Deora,Adv.
for M/s. K.L. Mehta & Co.

Contd....5/-
-5-

NCRPB:Ms. Sheil Sethi,Adv.

Mr. Soli J. Sorabjee, Sr.Adv.
Mr. Amir Singh Pasrich,Adv.
Mr. Gopal Jain,Adv.
Mr. Anshuman Sood,Adv.
Mr. Kalyal Arambam,Adv.
Ms. Nandini Gore,Adv.
Ms. Manik Karanjawala,Adv.

Mr. M.L. Verma, Sr.Adv.
Mr. Rana Mukherjee,Adv.
Mr. Siddharth Gautam,Adv.
Mr. Goodwill Indeevar,Adv.
Mr. Mahendra Rana,Adv.

Mr. L.N. Rao, Sr.Adv.
Mr. Senthil Jagadeesan,Adv.

Mr. Mukul Rohtagi, Sr.Adv.
Mr. Manish Kumar,Adv.
Mr. Rakesh K. Sharma,Adv.

Mr. Mahendra Rana,Adv.
Mr. Goodwill Indeevar,Adv.

Mr. Jasbir Singh Malik,Adv.
Mr. D.K. Sharma,Adv.

Mr. S.K. Sabharwal, Adv.

Mr. Vijay Hansaria, Sr. Adv.

Ms. Deepti, Adv.

Ms. Sneha Kalikta, Adv.

Mr. S. Prasad, Adv.

Mr. S.N. Jha, Adv.

Mr. Sanjeev Narula, Adv.

Mr. Karun Mehta, Adv.

Mr. R. Gopalkrishnan, Adv.

Mr. Jai Kishore Singh, Adv.

Mr. Om Prakash Mishra, Adv.

Ms. Anamika Ghai, Adv.

Mr. Santosh Kumar, Adv.

Mr. Mushtaq Ahmed, Adv.

Mr. Dushyant A. Dave, Sr. Adv.

Mr. Pravin Bahadhur, Adv.

Ms. Reghalee Barthakur, Adv.

Mr. Rajan Narain, Adv.

Mr. Ratnakar Dash, Sr. Adv.

Ms. Kamakshi S. Mehlwal, Adv.

Ms. Kamakshi S. Mehlwal, Adv.

Mr. Rajeev Kumar Bansal, Adv.

Mr. Ravi P. Wadhvani, Adv.

Mr. Sanjeev Anand, Adv.

Contd....6/-

-6-

Mr. Vishnu Sharma, Adv.

Mr. Anupama Sharma, Adv.

Mr. Ajay Singh, Adv.

Mr. Y.P. Narula, Sr. Adv.

Mr. Anil K. Chopra, Adv.

Mr. Arun Jaitley, Sr. Adv.

Mr. Anil Airi, Adv.

Mr. Ghanshyam, Adv.

Mr. Devendra Singh, Adv.

Mr. Dipak Kumar Jena, Adv.

Ms. Minaxi Jena, Adv.

Mr. Ambar Jain, Adv.

Mr. Sanjay Kapur, Adv.

Ms. Shubhra Kapur, Adv.

Mr. Rajiv Kapur, Adv.

Ms. Arti Singh, Adv.

Mr. Shree Pal Singh, Adv.

Mr. Sanjay Rastogi, Adv.

Ms. Suruchi Agarwal, Adv.

Mr. Amit Kumar, Adv.

Mr. Jayant K. Mehta, Adv.

Mr. Rakesh K. Sharma, Adv.

Mr. V.N. Raghupathy, Adv.

Mr. Anupama Sharma, Adv.

Sri Ajit Singh, Adv.

Mr. Vishnu Sharma, Adv.

Mr. Arun Jaitley, Sr. Adv.

Mr. Maninder Singh, Adv.

Ms. Pratibha M. Singh, Adv.

Mr. Abhinav Mukherjee, Adv.

Mr. Gaurav Sharma, Adv.

Mr. Sumeet Bhatia, Adv.

Mr. Jasbir Singh Malik, Adv.

Mr. S.K. Sabharwal, Adv.

Mr. D.K. Sharma, Adv.

Mr. Arun Kaushal, Adv.

Mr. Girdhar G. Upadhyay, Adv.

Ms. Vinita G. Upadhyay, Adv.

Ms. Asha Upadhyay, Adv.

Mr. R.D. Upadhyay, Adv.

Mr. R.K. Kapoor, Adv.

Mr. S.S. Yadav, Adv.

Mr. M.K. Verma, Adv.

Contd....7/-

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Mr. R.M. Sinha, Adv.

Mr. Rakesh Singh, Adv.

Mr. Mukesh Kumar Sinha, Adv.

Mr. Arun K. Sinha, Adv.

Mr. B.S. Jain, Adv.

Mr. Ajay Veer Singh Jain, Adv.

Mr. Anand Mishra, Adv.

Mr. J.P. Singh, Adv.

Dr (Mrs.) Vipin Gupta, Adv.

Mr. Puneet Agarwal, Adv.

Mr. Arvind Sharma, Adv.

Dr. Kailash Chand, Adv.

Mr. Ashok Bhan, Adv.

Mr. S. Wasim A. Qadri, Adv.

Mr. D.S. Mahra, Adv.

Mr. Tripurari Ray, Adv.

Mr. Sanjeev Mahajan, Adv.

Mr. Siddharth Chowdhary, Adv.

Mrs. Kanchan Kaur Dhodi, Adv.

Mr. R.C. Kaushik, Adv.

Ms. K.V. Bharthi Upadhyay, In-person

Mr. Nafis Ahmed Siddiqui, Adv.

Mr. D.K. Sharma, Adv.

Mr. Anis Ahmed Khan, Adv.

Ms. Binu Tamta, Adv.

Ms. Anu Gupta, Adv.

Ms. Naresh Bakshi, Adv.

Mr. P. Narsimhan, Adv.

Mr. M. C. Dhingra, Adv.

Mr. Vijay Panjwani, Adv.

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

I.A. NO.1958

To be listed on 23.07.2007.

The D.D.A. is permitted to file an affidavit as regard the Zonal Plan in relation to the new Master Plan.

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I.A. NOS.2001 AND 2043

Heard learned counsel for the parties.

Let the construction beyond the sanctioned plan be first demolished. Further orders on the prayer for de-sealing will be considered after an affidavit is filed that the demolition beyond the sanctioned plan has already been carried out. The demolition shall be viz-a-viz the sanctioned plan originally. If there is any portion which is compoundable, it is for the concerned authorities to consider the prayer for compounding, if made, and, thereafter, the demolition shall take place. The same shall be in terms of the existing law when the unauthorised constructions were made.

List after three months.

I.A. NOS.2025 & 2075

Heard.

We are not inclined to accept the prayer for de-sealing. The I.As. are accordingly disposed of. However, we request the Delhi High Court to dispose of Writ Petition No.1295 of 2001, as early as practicable.

I.A. NOS.2026 & 2074

The prayer for modification of the order for desealing is rejected.

In case any subsequent order is passed by a competent authority, which has the effect of conferring legitimacy to the existence of School, that can be carried out after obtaining leave from this Court. It is stated that to accommodate the students of the

Contd....9/-

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applicant-School in another institution, applications shall be filed before the concerned authorities. Needless to say that if any such application is filed, the same shall be dealt with in accordance with law about which we express no opinion. The closure shall be effected by 30th June, 2007.

I.A. NOS.2027 & 2028 AND 2038 & 2039

The I.As. are dismissed as infructuous.

I.A. NOS.2035, 2036 AND 2037

In view of the stipulations in the Master Plan, there shall not be any registration of the establishments as it is in Special Area.

I.A. NOS.2031-2032 AND 2051 & 2052

List on 23rd July, 2007.

I.A. NO.2046

Heard.

The premises in question shall be de-sealed subject to observance of the undertakings, as contained in paragraph-17 of the application.

I.A. No.2046 is, accordingly, disposed of.

I.A. NOS.2061 AND 2062 & 2057 & 2058

List in July, 2007.

The DDA to file its response with four weeks.

I.A. Nos.2072 & 2073

List on 23rd July, 2007.

I.A. NO.2064

List on 23rd July, 2007.

I.A. NO.....(Diary No.14856/2007 filed by Mr. Debasish Misra)

No orders can be passed in these proceedings in respect of this petition.

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I.A. NO.2063

List on 17.05.2007 awaiting the order of the Monitoring Committee.

I.A. NO.2076-2077

List in July, 2003.

I.A. NO.2066, 2087, 2070 & 2071

List on 23rd July, 2007.

The DDA shall place its response on record within four weeks.

I.A. NO.2047 & 2048

These I.As. have become infructuous by passage of time.

I.A. NO.8 in WP(C) 263/2006

Taken on board.

List on 23.07.2007.

The DDA shall file its response within four weeks.

I.A. No.24 in WP(C) 263/2006

Taken on Board.

List in July, 2007.

I.A. NO.31 in WP(C) No.263/2006

Taken on board.

No orders are necessary.

I.A. NO.2029

No orders are necessary in view of the Monitoring Committee's report.

I.A. NO.2049, 2050

List on 23.07.2007.

The DDA to file its response within four weeks.

Contd....11/-

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I.A. NO.2083

List on 23.07.2007.

The DDA to file its response within four weeks.

I.A. NOS.2067-2068

No orders are necessary in view of the Monitoring Committee's Report.

I.A. NO.2078

The I.A. is permitted to be withdrawn.

I.A. NO.3 IN WP 464/2006

Taken on Board.

List on 23rd July, 2007.

I.A. NO.2085-2086

List in July, 2007.

The DDA to file its response within four weeks.

I.A. NO.2082

List in July, 2007.

Until further orders, there shall not be any further sealing.

I.A. NOS 2096-2097, 2092-2093,2094-2095

The DDA, MCD shall file their response.

In the meantime, there shall not be any further sealing.

List in July, 2007.

I.A. NO.2063

List on 17.05.2007 awaiting the report of the Monitoring Committee.

I.A. NO.2091

Issue notice.

The DDA to file its response within four weeks.

Contd....12/-

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I.A. NO.2084

List in July, 2007.

I.A. NO.... (Diary No.28929 filed by Mr. Arvind Minocha,Adv.)

Taken on board.

List on 23rd July, 2007.

I.A. NO.... (Diary No.1184 filed by Mr. Himanshu Shekhar, Adv.)

The I.A. is permitted to be withdrawn in terms of the letter circulated.

I.A. NOS.2080-2081

Issue notice.

The response of the DDA, MCD, Archaeological Survey of India and the Delhi Police shall be filed within four weeks.

List on 23rd July, 2007.

I.A. NO.2098

Reply to be filed within four weeks.

The DDA and MCD to file their response within four weeks.

List in July, 2007.

I.A. NO.2099-2100

Issue notice.

List on 23rd July, 2007.

I.A. NO.2101-2102

Time is extended till end of June, 2007 to vacate.

(Neena Verma)
Court Master

(Vijay Aggarwal)
Court Master

ITEM NO.302

COURT NO.4

SECTION PIL

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.1901 in IA No.1888 In
WRIT PETITION (CIVIL) NO(s). 4677 OF 1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For directions on behalf of R. Kant & Co.)

WITH

I.A. No.1902 in I.A. No.1988 in W.P.(C) No.4677/1985
(For exemption from filing OT)

I.A. No.1903 in I.A. No.1988 in W.P.(C) No.4677/1985
(For permission to file lengthy list of dates and events)

I.A. No.1904 in I.A. No.1988 in W.P.(C) No.4677/1985
(For permission to file application for directions)

I.A. No.1999 in I.A. No.1901-1904 in W.P.(C) No.4677/1985
(For intervention on behalf of Kant Enclave Residents Welfare
Association)

AND

I.A. No.1955 in I.A. No.1988 in W.P.(C) No.4677/1985
(For directions)

AND

I.A. No.1965-1966 in I.A. No.1988 in W.P.(C) No.4677/1985
(For impleadment and directions)

AND

I.A. No.2024 in I.A. No.1988 in W.P.(C) No.4677/1985
(For impleadment and directions)

Date: 14.05.2007 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 ALTAMAS KABIR

Mr. Ranjit Kumar, Sr. Adv. (A.C.)
Ms. Vibha Datta Makhija, Adv. (A.C.)

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

Mr. Praveen Swarup, Adv. Mr. Vijay Panjwani, Adv.
Contd....2/-

For Respondent(s)/Mr. G.E. Vahanvati, Solicitor General
Union of IndiaMr. Amarendra Sharan, A.S.G.
Mr. Devadatt Kamat,Adv.
Mr. T.A. Khan,Adv.
Mr. V.K. Verma,Adv.

For Delhi PoliceMr. A. Sharan, ASG
Mr. Ashok Bhan,Adv.
Ms. Kiran Bhardwaj,Adv.
Mr. M.P.S. Tomar,Adv.
Mr. D.S. Mahra,Adv.

M.C.D.Mr. Sanjib Sen,Adv.
Mr. Praveen Swarup,Adv.
Mr. Subhash Bansal,Adv.

D.D.AMr. A. Sharan, A.S.G.
Mr. Vishnu B. Saharya,Adv.
for M/s. Saharya & Co.

MoEFMr. T.S. Doabia, Sr.Adv.
Mr. Rajeev Dutta, Sr.Adv.
Mr. Vikas Sharma,Adv.
Mr. R.C. Kathia,Adv.
Mr. D.S.Mahra,Adv.

MoUB/DPCC/DSIDCMr. D.N. Goburdhun,Adv.
NCT of Delhi &Ms. Pinky Anand,Adv.
DSIDCMs. Geeta Luthra,Adv.

Mr. Mukul Rohtagi, Sr.Adv.
Mr. Dhruv Mehta,Adv.
Mr. Harshvardhan Jha,Adv.
Mr. Yashraj Singh Deora,Adv.
for M/s. K.L. Mehta & Co.

Mr. K.K. Venugopal, Sr.Adv.
Ms. Ekta Kapil,Adv.
Mr. T.K. Pradhan,Adv.
Ms. Vijayalakshmi Menon,Adv.

Mr. Manjit Singh,Adv.
Mr. Harikesh Singh,Adv.
Mr. T.V. George,Adv.

Mr. Dinesh C. Pandey,Adv.
Ms. Sharmila Upadhyay,Adv.
Mr. C.S. Ashri,Adv.
Mr. Ajay Siwach,Adv.

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

List these matters in the second week of July, 2007.

(Neena Verma)
Court Master

(Vijay Aggarwal)
Court Master