

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

I.A. NO.1874 IN WRIT PETITION (CIVIL) NO.4677 OF 1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For intervention and directions on behalf of Architecture for All)

With I.A. No.3 in Writ Petition (C) No.98 of 2000

(For stay)

I.A. No.1871 in I.A. No.22 in Writ Petition (C) No.4677 of 1985

(For Directions on behalf of Kulwinder Singh)

I.A. No.1872 in I.A. No.22 in Writ Petition (C) No.4677 of 1985

(for impleadment)

I.A. No.1875 in I.A. No.22 in Writ Petition (C) No.4677 of 1985

(For intervention and directions on behalf of M/s. Aziz Textile)

I.A. No.1880 in I.A. No.22 in Writ Petition (C) No.4677 of 1985

(for Directions on behalf of Carbo Industries)

I.A. No.1881 in I.A. No.1880 in Writ Petition (C) No.4677 of 1985

(For permission to file appln. for directions)

I.A. No.1884 in I.A. No.22 in Writ Petition (C) No.4677 of 1985

(Appln.(s) for impleadment on behalf of M/s. Sharad Enterprises & Ors.)

I.A. No.1864 in Writ Petition (C) No.4677 of 1985

(For Directions on behalf of Dakshini Haryana Ice Mfs. Association)

I.A. No.1873 in I.A. No.1864 in Writ Petition (C) No.4677 of 1985

(For impleadment on behalf of Parag Distillery Water, Ice Factory and cold storage)

I.A. No.1887 in I.A. No.1864 in Writ Petition (C) No.4677 of 1985
(For permission to file addl. documents)

I.A. No.1889 in I.A. No.1873 in I.A. No.1864 in W.P. (C) No.4677/1985
(For amendment of cause title on behalf of Prag Distilled Water Ice Factory and Cold Storage)

I.A. No.623 in Writ Petition (C) No.4677 of 1985
(For Directions on behalf of Delhi Factory Owners Federation)

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I.A. No.1841 in Writ Petition (C) No.4677 of 1985
(For intervention/direction on behalf of Ram Samujh & Ors. Employees as M/s. Rollawala Sales Corporation)

I.A. Nos.1843 and 1844 in Writ Petition (C) No.4677 of 1985
(For direction and exemption from filing O.T. on behalf of M/s. Raj Advertisers)

Cont. Pet. (C) No.130 of 2005 in Writ Petition (C) No.4677 of 1985

I.A. Nos.1897-1898 in Writ Petition (C) No.4677 of 1985
(For direction and seeking permission to file the accompanying I.A. on behalf of M/s. Sachdeva Industries)

I.A. Nos.1899-1900 in Writ Petition (C) No.4677 of 1985
(For direction and appln. for permission to file the appln. on behalf of Mr. Ajit Singh Tomar)

I.A. No.1917 in Writ Petition (C) No.4677 of 1985
(For Directions)

Cont. Pet. (C) No.117/2006 in I.A. No.22 in W.P. (C) No.4677 of 1985

Date: 11/07/2006 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

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

For Petitioner(s) In-person

In I.A. No.3 in WP

98/2000: Mr. M.A. Chinnasamy, Adv.

In I.A.Nos.1871 & 1872: Mr. Harinder Mohan Singh, Adv.

Mr. Kaushal Yadav, Adv.

Ms. Shabana Saifi, Adv.

In I.A. No.1875: Mr. A. Guneshwar Sharma, Adv.

In I.A.Nos.1880 & 1881: Mr. S.K. Dhingra, Adv. (N/P)

In I.A. Nos.1884 and Mr. Rajiv K. Garg, Adv.

1917: Mr. A.D.N. Rao, Adv.

In I.A.Nos.1864 & 1887: Dr. Kailash Chand, Adv. (N/P)

In I.A.Nos.1873 & 1889: Mr. Dayan Krishan, Adv.

Mr. Nikhil Nayyar, Adv.

Mr. Gautam Narayan, Adv.

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In I.A. No.623: Mr. C.S.S. Rao, Adv.

In I.A. No.1841: M/s. I.M. Nanavati Associates, Advs. (N/P)

In I.A. Nos.1843-44: Mr. Alok Gupta, Adv. (N/P)

In Cont.Pet. 130/2005: Mr. Sagar Dawar,Adv.
Mr. P.N. Puri,Adv.
Mr. R.K. Joshi,Adv.
Mr. Dhiraj,Adv.

In I.A. Nos.1897-98: Mr. Pardeep Gupta,Adv.
Mr. Suresh Bharati,Adv.
Mr. K.K. Mohan,Adv.

In I.A. Nos.1899-1900: Mr. Subhash Sharma,Adv.

In Cont. Pet. 117/2006: Mr. Sarbajit Roy, in-person

For Respondent(s) In-person

Mr. V.N. Raghupathy,Adv.
Mr. P.N. Misra,Sr.Adv.
Mr. Suresh C. Tripathi,Adv.
Mr. Rakesh K. Sharma,Adv.

For NCT of Delhi, DPCC and Urban Development: Mr. D.N. Goburdhan,Adv.
Ms. Pinky Anand,Adv.
Ms. Geeta Luthra,Adv.

For NCT of Delhi,DSIDC: Mr. D.N. Goburdhan,Adv.
Ms. Pinky Anand,Adv.
Ms. Geeta Luthra,Adv.

For D.D.A. : Mr. V.B. Saharya,Adv.
for M/s. Saharya & Co.,Adv.

For M.C.D. : Mr. Sanjiv Sen,Adv.
Mr. Praveen Swarup,Adv.

For C.P.C.B. : Mr. Vijay Panjwani,Adv.
Mr. B.V. Balaram Das,Adv.

For Delhi Police: Mr. Ashok Bhan,Adv.

Ms. Kiran Bharadwaj, Adv.

Ms. Anil Katiyar, Adv.

For N.C.R.P.B. :

Ms. Sheil Sethi, Adv.

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UPON hearing counsel the Court made the following

O R D E R

I.A. No.1874 in Writ Petition (C) No.4677 of 1985:

It is, The interlocutory application has become infructuous. accordingly, dismissed, without prejudice to the rights of the applicants, if any, to file substantive petition, if aggrieved by the final notification issued by the respondent. All pleas are kept open.

I.A. No.3 in Writ Petition (C) No.98 of 2000:

to the The challenge in this interlocutory application is notification dated 4th November, 2004, inviting objections. Pursuant to the impugned notification, final notification has been issued. In this view, this interlocutory application has become infructuous. It is, accordingly, dismissed, without prejudice to the contentions raised in this application and with liberty to the applicant to file a substantive petition, if aggrieved by the final notification. The grounds taken in this application are kept open.

I.A. Nos.1871 and 1872 in I.A. No.22 in Writ Petition (C) No.4677 of 1985:

The water and electricity connection of the applicant has been restored. The prayer for damages/compensation cannot be considered in the present application filed in the writ petition. The applicant may take recourse to appropriate remedy, if so advised, to claim damages/compensation.

The interlocutory applications are, accordingly, disposed of.

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I.A. No.1875 in I.A. No.22 in Writ Petition (C) No.4677 of 1985:

Heard Mr. A. Guneshwar Sharma and Mr. D.N. Goburdhan,

learned counsel for the parties.

On the applicant filing an affidavit before the competent authority giving undertaking that the premises will be used only for permissible trade, the premises in question be de-sealed.

The interlocutory application is disposed of accordingly.

I.A. Nos.1880 and 1881 in I.A. No.22 in Writ Petition (C) No.4677 of 1985:

None present for the applicants.

The interlocutory application is dismissed.

I.A. Nos.1884 and 1917 in I.A. No.22 in Writ Petition (C) No.4677 of 1985:

In I.A. No.1917, it is, inter alia, pleaded that on draw of lots held on 6th June, 2003, three plots mentioned in paragraph (9) were allotted to the applicants. It is claimed that the full amount has been deposited and the possession has not been delivered. It is further stated that out of three applicants, one M/s. Lucky Cable Corporation has been handed over possession but not the remaining two applicants. Direction is sought against the respondent to forthwith hand over possession, besides other reliefs claimed in I.A. No.1917. Reply to the application be filed within two weeks. Rejoinder affidavit, if any, be filed within one week thereafter.

The interlocutory applications are adjourned for three weeks.

I.A. Nos.1864 and 1887 in W.P. (C) No.4677 of 1985:

None present for the applicants.

The interlocutory applications are dismissed.

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I.A. No.1873 in I.A. No.1864 in Writ Petition (C) No.4677 of 1985:

The interlocutory application has become infructuous in view of the dismissal of I.A. No.1864. It is, accordingly, dismissed as such.

I.A. No.1889 in I.A. No.1873 in I.A. No.1864 in W.P. (C) No.4677/1985:

The interlocutory application is dismissed.

I.A. No.623 in Writ Petition (C) No.4677 of 1985:

None present for the applicant.

The interlocutory application is dismissed.

I.A. No.1841 in Writ Petition (C) No.4677 of 1985:

None present for the applicants.

The interlocutory application is dismissed.

I.A. Nos.1843 and 1844 in Writ Petition (C) No.4677 of 1985:

None present for the applicant.

The interlocutory applications are dismissed.

Cont. Pet. (C) No.130 of 2005 in Writ Petition (C) No.4677 of 1985:

Before considering issue of contempt notice, we deem it appropriate to direct the State Government, Municipal Corporation of Delhi and the Delhi Development Authority to file affidavits in response to the allegation made in the contempt petition, inter alia, to the effect that the industrial units mentioned in paragraph (7) in Lal Dora area and residential area have not been closed down and operation stopped in terms of the directions contained in the judgement dated 7th May, 2004, within the stipulated period of five months. The affidavits shall be filed within four weeks. Rejoinder affidavit be filed within four weeks thereafter.

Copies of the contempt petition shall be served on the learned advocates for all the three authorities.

I.A. Nos.1897-1898 in Writ Petition (C) No.4677 of 1985:

The interlocutory applications are dismissed.

I.A. Nos.1899-1900 in Writ Petition (C) No.4677 of 1985:

Copies of the interlocutory applications have been given to Mr.

D.N. Goburdhan, learned advocate.

Reply be filed within four weeks. Rejoinder affidavit be filed within two weeks thereafter.

Cont. Pet. (C) No.117/2006 in I.A. No.22 in W.P. (C) No.4677 of 1985:

The petitioner points out in this contempt petition that despite the directions of this Court, the electricity connection of the units illegally operating has not been disconnected. Since the petitioner is appearing in-person, we request Mr. Ranjit Kumar, learned senior advocate, to assist in this matter. A copy of the petition shall be supplied to Mr.

Ranjit Kumar. A copy of the petition shall also be supplied to Mr. D.N.

Goburdhan, learned advocate.

Before we consider the issue of formal notice, Mr. D.N.

Goburdhan shall obtain instructions and file a reply within four weeks.

[T.I. Rajput]

[V.P. Tyagi]

A.R.-cum-P.S.

Assistant Registrar