

ITEM NO.1

COURT NO.1

SECTION PIL

## 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.1931 in I.A.No.22 in WRIT PETITION (CIVIL) NO(s). 4677 OF 1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(For directions)

Date: 28/04/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner(s)

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

Mr. M.C.Mehta-in-Person

For Respondent(s)

Min.of Urban Dev.:

Mr. G.E. Vahanvati, S.G.

Mr. Devadatt Kamat, Adv.

Mr. R.M. Sharma, Adv.

Mr. V.K.Verma, Adv.

-CPCB:

Mr. Vijay Panjwani, Adv.

-UOI:

Mr. Rajiv Dutta, Sr.Adv.

Mr. M.F. Humayunisa, Adv.

Mrs. Anil Katiyar, Adv.

-MCD:

Dr. A.M.Singhvi, Sr.Adv.

Mr. Sanjiv Sen, Adv.

Mr. Praveen Swarup, Adv.

-Delhi Police:

Mr. Ashok Bhan, Adv.

Ms. Kiran Bhardwaj, Adv.

Mrs. Anil Katiyar, Adv.

-NCRPB:

Mrs. Sheel Sethi, Adv.

-DDA:

Mr. V.B. Saharya, Adv.

for M/s. Saharya & Co., Adv.

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-Haryana:

Mr. Ajay Siwach, Adv.

Mr. Sandeep Sharma, Adv.

Mr. T.V.George, Adv.

M/S K.L. Mehta & Co., Adv.

Mr. B.V.B.Das, Adv.

UPON hearing counsel the Court made the following

O R D E R

The matter fixed for 2nd May, 2006 shall be listed on 5th May, 2006 in view of

the hearing of the Constitution Bench fixed for 2nd May, 2006.  
This application

(I.A.No.1931) shall also be listed on 5th May, 2006.

The prayer in the application, inter alia, is that local bodies be directed to

complete the exercise of identification of mixed use roads/streets in residential areas

within a period of six months in a systemic and organized manner as per the provisions of

the Master Plan. Referring to Section 8 of the Delhi Development Act, 1957 which, inter

alia, stipulates that simultaneously with the preparation of the Master Plan or as soon as

may be thereafter, the Delhi Development Authority shall proceed with the preparation

of a zonal development plan for each of the zones into which Delhi may be divided and

such zonal plan may contain a use-plan for development of the zone and show the

approximate locations and extents of the land-uses proposed in the zone, it is submitted

that if zonal plan had been prepared, it could show the mixed land use as well as per the

existing norms. It has been submitted that in respect of nine zones, zonal plans were not

prepared by the Delhi Development Authority. It is in respect of these zones that the

direction is sought for for local bodies to complete their exercise of identification of

mixed use roads/streets in the residential area as above noted. We will examine this issue

later at an appropriate stage. It would be open to the authorities including the D.D.A.

and M.C.D. to file their response to the application. If zonal plans have not been

prepared by the D.D.A., it shall place on record the reason of the failure. It is also to be

gone into that in case there was failure on the part of the D.D.A., what prevented the

Central Government to issue directions under Section 41 of the Delhi Development Act.

Be that as it may, for the present, we permit the applicant to place detailed

facts before the Monitoring Committee and explain the areas in respect of which it is

claimed that on existing norms, on preparation of the zonal plan and identification of the

roads/streets, some relief is possible to be given. The Monitoring Committee will

examine the facts broadly and from prima facie point of view at this stage only to assist

this Court and report if, in its view, some relief, in regard to the on-going sealing, can be

given in respect of some of the areas temporarily till the exercise as contemplated by the

applicant is completed. We, however, wish to make it clear that the order shall not be

construed to mean that we have directed the stay of the sealing process as per the

directions made. The sealing process has to go on for the present, including in these

areas as well.

We have perused the preliminary report of the Monitoring Committee, dated

13th April, 2006, and place on record our appreciation for the manner in which the

Monitoring Committee is conducting itself. The Monitoring Committee is requested to

file its report by 4th May, 2006 incorporating therein the status report from the date of

the preliminary report above-referred upto the date of the next report and its suggestions

on the aforesaid aspect in respect of the mixed land use in the areas in which zonal plans

have not been prepared.

Copies of the report of the Monitoring Committee already filed be given to the

learned Solicitor General, learned counsel for M.C.D, Mr. M.C.Mehta, petitioner-in-

person, and to the learned amicus curiae.

(N. Annapurna)

Court Master

(V.P. Tyagi)

Court Master