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OUT-TODAY

ITEM NO.MM-A

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. NOS. IN I.A. NO.22 IN WRIT PETITION (Civil) NO.4677 OF 1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

In Re: M/s. Azad Market Pul Mithai Shopkeepers Asscn., Indus Tubes Limited, Sharman Udyog Pvt. Ltd., M.L.B. Capital Pvt.Ltd., Vrinda Portfolio Pvt. Ltd. and allied matters)

Date: 03/04/2006 These matters were mentioned today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

Mr. Ranjit Kumar, Sr.Adv.(A.C.) (N/P)

For Petitioner(s)

Ms. Anil Katiyar,Adv. (N/P)

For Applicant(s)

Mr. K.C. Dua,Adv.

Mr. E.C. Agrawala,Adv.

For Respondent(s)

Mr. M.C. Mehta,Adv. (N/)

For M.C.D.:

Mr. Sanjiv Sen,Adv.

Mr. Praveep Swarup,Adv.

Mr. G.S. Sistani,Adv.

Mr. Arvind Minocha, Adv.

Mr. Vinay Bhasin, Adv.

Mr. B.V. Desai, Adv.

Mr. Sidhartha Chowdhury, Adv.

Mr. N.P. Singh, Adv.

Mr. Rahul Gupta, Adv.

Ms. Nupur Kanungo, Adv.

UPON hearing counsel the Court made the following

O R D E R

Taken on Board.

In terms of order dated 24th March, 2006, considering the applications that had been filed by

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three Associations and another application filed by an individual business house, this Court made a general order granting time to stop misuser up to 30th June, 2006, subject to every individual filing an affidavit in terms of conditions laid therein on or before 28th March, 2006.

Various learned counsel have mentioned matters which broadly fall in the following four categories: (1) where affidavits have been filed in terms of order dated 24th March, 2006, but after 28th March, 2006, and the premises have been sealed; (2) affidavits filed late but the premises are yet to be sealed; (3) affidavits not filed and the premises sealed; and (4) affidavits not filed, premises not sealed, but on account of misuser may be sealed at any point of time. On behalf of the occupants/owners falling in one or the other category, the submission is that they are prepared to stop misuser on or before 30th June, 2006, and, therefore, extension of time be granted to file affidavits in terms of order dated 24th March, 2006. Further prayer is the opening of the seal which may have been put or may be put, on filing of

affidavits now in the extended period complying with the conditions stipulated in the order dated 24th March, 2006.

Having heard the learned counsel for the parties, we are not inclined to stay the sealing process which has commenced pursuant to the orders passed by this Court. However, considering the submissions made by the learned counsel, we permit filing of affidavits by and including 7th April, 2006. In case such an affidavit is filed, the Monitoring Committee may consider issue of directions to the Municipal Corporation of Delhi for opening of seals or not sealing the premises, as the case may be, so that individual trader can have the benefit of extension up

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to 30th June, 2006, as per the order dated 24th March, 2006. In case, the Monitoring Committee directs re-opening of the seal, it shall be opened forthwith and consequential facilities may also be provided, such as electricity and water supply.

[T.I. Rajput]

A.R.-cum-P.S.

[V.P. Tyagi]

Court Master