

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.1821 IN WRIT PETITION (CIVIL) NO.4677 OF 1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For intervention/direction on behalf of Rajni Kothari & Ors.)

(For seeking permission to file additional affidavit and documents)

With I.A. No.1865 in I.A. No.1821 in W.P. (C) No.4677 of 1985

With I.A. No.1867 in I.A. No.1821 in W.P. (C) No.4677 of 1985

(for seeking permission to file additional affidavit and documents)

With I.A. No.1207 in I.A. No.1821 in W.P. (C) No.4677 of 1985

(For directions on behalf of Govt. of N.C.T. of Delhi)

With I.A. No.1882 in I.A. No.1821 in W.P. (C) No.4677 of 1985

(For directions on behalf of Govt. of N.C.T. of Delhi)

With I.A. No.1890 in I.A. No.1821 in W.P. (C) No.4677 of 1985

Date: 07/12/2005 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 (N/P)

In I.A. Nos. 1821 Mr. Colin Gonsalves, Sr. Adv.

1865, 1867 & 1890: Mr. Vipin M. Benjamin, Adv.

Ms. Aparna Bhat, Adv.

For N.C.T. of Delhi: Mr. D.N. Goburdhun, Adv.

...2/-

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For Respondent(s) Mr. V.B. Saharya, Adv.

Mr. Viresh B. Saharya, Adv.

for Saharya & Co., Adv.

Mr. Ashok Bhan, Adv.

Mr. S.W.A. Qadri, Adv.

Ms. Kiran Bhardwaj, Adv.

Ms. Anil Katiyar, Adv.

For M.C.D.: Mr. Sanjeev Sen, Adv.

Mr. Praveen Swarup, Adv.

Mr. Vijay Panjwani, Adv.

Ms. Sheil Sethi, Adv.

Mr. M.C. Mehta, Adv.

UPON hearing counsel the Court made the following

O R D E R

In matters except I.A. No. 1207 in I.A. No. 22 in W.P. (C) No. 4677/1985:

s-cum- Mr. D.C. Khanduri, Deputy Conservator of Forest
Secretary, Ridge Management Board, filed in this Court, in

I.A. No.18 in
1996, inter
Delhi
J.J.
96
of the
conditions,
nd
-out
as
Writ Petition (C) No.4677 of 1985, an affidavit dated 8th April,
alia, stating that the Chief Secretary of the Government of N.C.T. of
Delhi
undertook a visit of Sanjay Nagar, Balbir Nagar and In
dira Nagar J.J.
Clusters in Bhatti area and Gaon Sabha land at Jaunapur on 6th April, 19
96
along with officers of various organisations connected with the shifting
of the
population. After considering the work involved, ground
conditions,
topography of the area, weather conditions and various administrative a
nd
financial requirements, the time-frame to shift the population as worked
-out
by the Slum and J.J. Department, was approved by the Chief Secretary
as
given in Annexure-A, which is a report of the Committee constituted by

...2/-

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the Government of N.C.T. of Delhi for identification of land for relocation of
Jhuggies [slum dwellers] from Jaunapur and Bhatti mines Ridge areas. The
report mentions about the feasibility of the land in Jaunapur and the
availability of adequate vacant land
[about 65 acres of land]. On 9th April, 1996, considering the affidavit and
the report as also the time required for the clearing of the ridge a
rea of
Bhatti mines, this Court directed that all the encroachment from the area of
ridge must be shifted before 31st October, 1996. The court, in the or
der
dated 9th May, 1996, noted the statement of Mr. Khanduri that the work of
relocation of J.J. dwellers of Ridge has already been undertaken on war
footing. Further, it appears that possession of 61 acres of land was handed
over by the Block Development Officer to the Delhi Government on 14th
May, 1996. In terms of the order dated 21st November, 1996, the time for
shifting was extended up to 31st March, 1997. The Chief Secretary of the
Government of N.C.T. of Delhi and the Chairman of the Ridge Management

Board filed an affidavit dated 1st April, 1997 seeking extension of time to

complete the process of shifting the J.J. clusters from Southern Ridge up to 31st October, 1997.

To say the least, it is a matter of anguish that despite lapse of about nine years and the orders above-referred, the Ridge has not been cleared of J.J. clusters. It does not appear that any order was passed by this court extending the time as sought in the affidavit of the Chief Secretary. Further, it deserves to be noticed that the order dated 21st November, 1996, directed filing of monthly reports. It seems that even that direction has not been complied with. No report has been shown to us. Apart from the affidavit dated 1st April, 1997 of the Chief Secretary, no application has been filed by the

...4/-

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Government of N.C.T. of Delhi seeking extension or the change of location, except the affidavit filed for the first time in response to I.A. No.1821. The substantive application (I.A. No.1882) was filed on 14th October, 2004, seeking modification of the order dated 9th May, 1996 and permission to shift the encroachers to Bawana industrial area.

We have perused the affidavit of Mr. A.S. Khullar dated 31st August, 2002 filed in response to I.A. No.1821 as also the averments made in I.A. No.1882. The affidavit and the application hardly contain full particulars and details as to why the Government should be permitted to change its position and allowed to shift to a place other than Jaunapur. In fact, as already noticed, no affidavit or application was filed and the only affidavit filed for the first time after a period of five years was in response to I.A. No.1821. Though the affidavit and the application make a mention of some reference made to NEERI but neither the date of when reference was made nor the reasons for reference nor the report has been filed. However, having regard to the facts and circumstances of the case, we permit, and rather direct, the Chief Secretary to file a detail affidavit date-wise and

chronological-wise stating as to what transpired from 1st April, 1997, i.e. ,
date when the Chief Secretary filed the affidavit afore-noted, till the filing of
the affidavit by Mr. Khullar on 31st August, 2002. Along with the affidavit,
the Chief Secretary shall file all supporting documents. The affidavit shall
also state as to the present status of land at Bawana in respect of
which
permission is sought for shifting of J.J. clusters from Bhatti mines as also
the status of the land at Jaunapur, as above

...5/-

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noticed. The affidavit shall be filed within two weeks.

List these applications in the month of January, 2006.

In I.A. No.1207 in I.A. No.22 in W.P. (C) No.4677/1985

De-link the interlocutory application.

[T.I. Rajput]

Court Master

[V.P. Tyagi]

Court Master