

ITEM NO.3

COURT NO. 3

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.22 in Writ Petition(Civil) No.4677/1985

RE: Shifting of Industries from Residential Area of Delhi, New Delhi

(With office report)

M.C.MEHTA

Petitioner (s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent (s)

(FOR DIRECTIONS)

WITH

I.A.No.1816 in W.P.(Civil) No.4677/1985

(For direction and with office report)

I.A.No.1874 in W.P.(Civil) No.4677/1985

(For intervention and directions)

I.A.No.3 in W.P.(Civil) No.98/2000

(For stay)

I.A.No.1871 in I.A.No.22 in W.P.(Civil) No.4677/1985

(For directions on behalf of Kulwinder Singh)

I.A.No.1872 in I.A.No.22 in W.P.(Civil) No.4677/1985

(For impleadment)

I.A.No.1875 in I.A.No.22 in W.P.(Civil) No.4677/1985

(For intervention and directions)

I.A.No.1880 in I.A.No.22 in W.P.(Civil) No.4677/1985

(For directions)

I.A.No.1881 in I.A.No.22 in W.P.(Civil) No.4677/1985

(For permission to file appln. for directions)

I.A.No.1884 in I.A.No.22 in W.P.(Civil) No.4677/1985

(Appln. for impleadment and directions)

Date : 17/03/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner(s)/

Applicant (s): Mr. Ranjit Kumar, Sr.Adv. (A.C.)

Mr. M.C. Mehta-in-person

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In IA 1816: Mrs. Indra Sawhney, Adv.

In IA 1874: Mr. V.N. Raghupathy, Adv.

In IA 3: Mr. M.A. Chinnasamy, Adv.

In IA 1871-72: Mr. H.M. Singh, Adv.

Ms. Shabana Saifi, Adv.

Mr. Kaushal Yadav, Adv.

In IA 1875: Mr. A. Guneshwar Sharma, Adv.

In IA 1880-81: Mr. S.K. Dhingra, Adv.

In IA 1884: Mr. Rajiv K. Garg, Adv.

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

For Respondent (s)

For CPCB: Mr. Vijay Panjwani, Adv.

For MCD: Mr. Sanjiv Sen, Adv.

Mrs. Indra Sawhney, Adv.

Mr. Praveen Swarup, Adv.

For UOI.Min.of

Social Justice: Mr. Ashok Bhan, Adv.

Mr. B.K. Prasad, Adv.

For NCT, Delhi: Mr. Ashok Bhan, Adv.

Mrs. Kiran Bhardwaj, Adv.

Mrs. Anil Katiyar, Adv.

For St.of U.P.: Mr. Kamalendra Misra, Adv.

Mr. Rajeev Kumar Dubey, Adv.

Ms. Rashmi Singh, Adv.

For D.D.A.: Mr. V.B. Saharya, Adv.

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

For DPCC & DSIDC: Mr. D.N. Goburdhan, Adv.

Mrs. Pinky Anand, Adv.

Ms. Geeta Luthra, Adv.

For Min.of Envnt.: Mr. Rajeev Dutta, Sr.Adv.

Mr. Vikas Sharma, Adv.

Mrs. Anil Katiyar, Adv.

For NCR Plng.Board: Mrs. Sheil Sethi, Adv.

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

Mr. P. Parmeswaran, Adv.

Mr. D.S. Mahra, Adv.

Mr. S.N. Terdol, Adv.

Mr.Suresh C. Tripathi, Adv.

Mr. Rakesh K. Sharma, Adv.

UPON hearing counsel, the Court made the following

O R D E R

We have gone through the 3rd and 4th Progress Reports submitted by the Monitoring Committee.

Mr. Ranjit Kumar, learned Amicus Curiae, submits that para 8 of the 3rd Report gives no details as to the industries which may have been closed down despite the query of this Court in the order dated 30th November, 2004 that the report shall state the offending industrial units in the areas falling in the category of INSITU regularization. It is also

pointed out that it is not clear as to what is intended to be conveyed by use of expression

'industrial concentration' in para 8 of the Report while dealing with the issue of INSITU

regularization. Learned counsel also seeks to challenge the expansion of the list of houses-

hold industries as arbitrary. It is further contended that this aspect is intimately connected

with the issue of commercialization of residential areas, change of use of industrial areas for

non-industrial purposes.

It is expedient, and all learned counsel appearing also submit, that while dealing

with the issues arising out of the 3rd and 4th Progress Reports and the issues as raised by

the learned Amicus Curiae, it may be necessary to hear and decide the aspect of

commercialization of residential areas as well which was earlier deferred. Further, it is

pointed out that Civil Appeal No.5413 of 2002 (D. Bhowmick & Ors. Vs. Delhi Development

Authority & Ors.) and other connected appeals arising out of the same judgment of the

Delhi High Court holding about the absence of power of sealing in respect of unauthorized construction or misuse shall also be taken up for hearing along with these matters.

We direct that all the matters shall be listed for hearing. The particulars of these

matters shall be supplied to the Registry by learned Amicus Curiae, within one week after reopening of the Courts after Holi vacation.

Reply to I.As.1890, 1881, 1884, 1871, 1872, 1875, 1874 shall be filed by the State

Government and the Municipal Corporation of Delhi within three weeks.

All the matters shall be listed for hearing in the third week of April, 2005 on a

non-miscellaneous day.

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(N. Annapurna)

Court Master

(V.P. Tyagi)

Court Master