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W.P(C)No. 4677 OF 1985

ITEM No.1A1

Court No. 3

SECTION PIL
A/N MATTER

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

IA No 1310 in IA No.22 in Writ Petition(Civil) No.4677/1985

M.C.MEHTA

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(For modification of Court's order dated 10.5.1996 and 28.4.2000 and office report)

With

Date : 19/02/2002 This Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE S.N. PHUKAN
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s) Mr. Dhruv Mehta, Adv.
Mr. SK Mehta, Adv.
Ms. Shobha, Adv.
Ms. Anu Mehta, Adv.
Mr. MC Mehta, Adv.

For Respondent (s) Mr. Ranjit Kumar, Sr.Adv.(AC)
Mr. KC Kaushik, Adv.
Mr. SN Terdol, Adv.

For CPCB Mr. Vijay Panjwani, Adv.
Mr. C.V. Subba Rao, Adv.

For Rathi Steel Mr. ML Lahoty, Adv.v.
Mr. Praban K. Sharma, Adv.
Mr. Himashu Shekhar, Adv.

For DPCC Mr. DN Goburdhan, Adv.
Mr. RC Verma, Adv.
Mr. Mukesh Verma, Adv.
Ms. Pinky Anand, Adv.
Ms. Geetha Luthra, Adv.

For National Capital Region Planning Bd. Ms. Shiel Sethi, Adv.

For DDA Mr. V.B. Saharya, Adv.
M/s Saharya & Co.

UPON hearing counsel the Court made the following
O R D E R

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Though by an order dated 24th July 2001 the Court had directed that the Delhi Development Authority to get the assets valued and submit a report so that on the basis of the valuation arrived at by the Bank and DDAs valuation any appropriate order can be given. Mr. VB Saharya, learned counsel appearing for the DDA states that the officers of the DDA were not permitted to enter into the premises to enable them to have the valuation of the assets which is strongly objected to by the counsel appearing for M/s Rathi Steels. The DDA is directed to file an affidavit within a week from today indicating which officer had gone to have the valuation and who was prevented by whom. We, further direct that the security guards and other persons in the premises of Rathi Steels would permit the officers and other persons to enter into the premises to have the valuation of the assets and thereafter an affidavit will be filed by the DDA with regard to the valuation of the assets of the Company. This may be done within a period of two weeks from today.

Put up after two weeks. On the next date of hearing the concerned officer who will file the affidavit indicating that he or his men were prevented should be present in Court.

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Hemalatha (Suneet Bala Sharma)
Court Master

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ITEM No.1A2,3,4,5 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

IA No.153 in IA No.22 in WP(C)4677 of 1985

M.C.MEHTA Petitioner (s)

VERSUS

UNION OF INDIA & ORS. Respondent (s)

Re: Rashtravadi Janhit Sabha(Regd.) in R/O surrendering of land
(For directions)

With

IA No.441 in IA 36 in WP(C)4677/85(For Mod.of Court's Order
dt.4.12.96

IA No.451 in IA 22 in WP(C)4677/85 (For directions)

IA No.455 in IA 22 in WP(C)4677/85 (For directions)

IA No.1171 in IA 153 in WP(C)4677/85(For

directions/modification on behalf of Shri Ram Food & Fertilisers Industries, ND)

IA No.1181 in IA 153 in IA 22 in WP(C)4677/85(Ref:Swatantra

Bharat Mills) (For modification/clarification of Ct's order 11.1.99)
IA No.1328 in IA 1254 in IA No.129 in WP(C)4677/85(Re:Swatantra
Bharat Mills & DCM Mills)
IA No.1329 in IA 1254 in IA No.129 in WP(C)4677/85(Re:M/s Birla
Textiles)
IA No.1237 in IA No.22 in WP(C)4677/85

Date : 19/02/2002 These IAs were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE S.N. PHUKAN
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s) Mr. Surya Kant, Adv.
Mr. MC Mehta, Adv.

For Respondent (s) Mr. KC Kaushik, Adv.
UOI in IA2-IA5 Mr. SN Terdol, Adv.

For CPCB in IA2-1A5 Mr. Vijay Panjwani, Adv.

in IA2 Mr. PS Mishra, Sr.Adv.
Mr. Rakesh K. Khanna, Adv.
Mr. Reetesh Singh, Adv.

For DPCC Mr. DN Goburdhan, Adv.
Mr. RC Verma, Adv.
Mr. Mukesh Verma, Adv.

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Ms. Pinky Anand, Adv.
Ms. Geetha Luthra, Adv.

For SBM/DCM Silk Mills/Birla Tex./
BOC India Ltd./
Siel(SFFI) Mr. Shanti Bhushan, Sr.Adv.
Mr. KK Venugopal, Sr.Adv.
Mr. PN Mishra, Sr.Adv.
Mr. Parag Tripathi, Sr. Adv.
Mr. OP Khaitan, Adv.
Mr. AK Patra, Adv.
Mr. S. Sukumaran, Adv.
Mr. BK Khurana, Adv.
Mr. Bimal Roy, Adv.
Ms. Divya Nair, Adv.

IA No.1237 Mr. VK Monga, Adv.

For National Capital Region Planning Bd.
IA No.153, 1310 Ms. Shiel Sethi, Adv.

For DDA Mr. V.B. Saharya, Adv.
M/s Saharya & Co.
Mr. Shanti Bhushan, Sr.Adv.
Mr. PN Mishra, Sr.Adv.
Mr. Bimal Roy Jad, Adv.
Mr. Pankaj Kumar Singh, Adv.

Rashtravadi Janhit Sabha Mr. PS Mishra, Sr.Adv.
Mr. RK Khanna, Adv.
Mr. Reetesh Singh, Adv.

M/s Nova Steel Mr. GL Sanghi, Sr.Adv.

Mr. Manmohan, Adv.
Ms. Bina Gupta, Adv.
Mrs. Vanita Bharghava, Adv.
Mrs. Rakhi Ray, Adv.

UPON hearing counsel the Court made the following
O R D E R

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IA No.153 @@
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This is an application by one Rashtravadi Janhit Sabha through its President with the prayer worker colonies of any of the heavy/large/noxious industries ordered to be shifted/relocated/closed down its functioning, are concerned, these are to be treated to be

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part of the land which industry is required to surrender/dedicate to the community and thereafter the government may, upon framing a suitable scheme, bestow ownership rights of these premises upon the bonafide occupiers. An additional affidavit has been filed by the President indicating some more facts. This application is the off-shoot of the direction of this Court for shifting the hazardous industries and the consequential direction with regard to the surrender of the land by the industry in favour of DDA. The present application essentially is for the purpose to treat the land which is required to be surrendered by the industry to the DDA and then framing a scheme bestowing ownership rights in respect of those premises which are alleged to have been occupied by the workers of the industries. Having considered the application as well as the additional affidavit, we are unable to accede to this prayer made by the Rashtravadi Janhit Sabha as in our opinion in the matter of surrender of land after the industry was shifted outside Delhi pursuant to the order of this Court, is a matter between the owner and the DDA and no right and/or public interest can be said to be involved to pass any order for framing a scheme and to confer any right or allow these people to continue in those quarters. IA No.153/97 accordingly stands rejected.

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IA No.451@@
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This is a similar application by NCT seeking the relief that the land occupied by the workers must be surrendered to the DDA so that government may frame appropriate scheme and allow the workers to continue over there. The surrender of land pursuant to the order is for a different purpose and not to settle the workers over there. We have today rejected a similar application filed on behalf of the Rashtravadi Janhit Sabha. Consequently the application of NCT also stands rejected.

IA No.441@@
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Mr. PN Mishra, learned senior counsel states that in view of the order passed in IA No.153/1997, wants to withdraw this application. It is accordingly

dismissed as withdrawn.

IA No.455@@
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In view of the orders already passed in IA No.153
this IA is also dismissed as not pressed.

IA No.1171 @@
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This IA is dismissed as withdrawn.

IA No.1181@@
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In view of the order passed earlier, this IA is
dismissed as withdrawn.

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IA Nos.1328/1329/1237 of 2000@@
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Put up these IAs after the judgment in
WP(C)509/97 before the Constitution Bench is pronounced.

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Hemalatha

(Suneet Bala Sharma)
Court Master