

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(1) IN RE: SEALING ISSUE IA NOS. 12428/2018 AND 12444/2018
(APPLNS. SEEKING DE-SEALING OF THE PREMISES ON B/O DINESH MADAN AND OTHERS)

(2) IN RE: LETTER DT. 5.2.2018 OF MONITORING COMMITTEE CONSTITUTED BY HON'BLE SUPREME COURT OF INDIA IS LISTED FOR DIRECTIONS

Date : 09-02-2018 These applications were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Ranjit Kumar, Sr. Advocate (A.C.)

Mr. A.D.N. Rao, Advocate (A.C.)

Ms. Anitha Shenoy, Advocate (A.C.)

Ms. Rashmi Nandakumar, Adv.

Ms. Srishti Agnihotri, Adv.

Ms. Tulika Chikker, Adv.

Petitioner-In-Person

For Respondent(s) Mr. Shyam Divan, Sr. Adv.

Mr. Ashish Mohan, Adv.

Mr. K.K. Mohan, Advocate

Mr. Shyam Divan, Sr. Adv.

Mr. Nikhil Rohatgi, Adv.

Ms. Ranjeeta Rohatgi

Ms. Samten Doma, Adv.

Mr. D.N. Goburdhun, Advocate

Ms. Pallavi Chopra, Adv.

Mrs. V. Mohana, Sr. Adv.

Mr. Wasim Qadri, Adv.

Mr. D.L. Chidananda, Adv.

Mr. Ritesh Kumar, Adv.
Mr. Amit Sharma, Adv.
Mr. Raj Bahadur, Adv.
Mr. G.S. Makker, Adv.
Mr. Arun Kumar Yadav, Adv.
Mr. Zaid Ali, Adv.
Mr. Amrish Kumar Sharma, Adv.

Mr. A.K. Panda, Sr. Adv.
Mr. Ajay Kumar Singh, Adv.
Mr. R.K. Rathore, Adv.
Mr. B.V. Balram Das, Advocate

SDMC

Mr. Sanjiv Sen, Sr. Adv.
Mr. Praveen Swarup, Advocate
Mr. R.K. Singh, Adv.
Mr. Ajay Kumar Giri, Adv.

DDA

Mr. Vishnu B. Saharya, Adv.
Mr. Viresh B. Saharya, Adv.
For M/S Saharya & Co., Advocates

Ms. Anil Katiyar, Advocate

CPCB

Mr. Vijay Panjwani, Adv.
Mr. Kamlesh Vaswani, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Report No. 111 (REPORT OF THE MONITORING COMMITTEE IN RESPECT OF E-5A, HAUZ KHAS MARKET, NEW DELHI)

Learned counsel for the applicant seeks some time to respond to the Report.

He may do so within two weeks.

Interim order to continue.

Letter dated 05.02.2018

The Secretary General has received a letter dated 05.02.2018 from the Monitoring Committee in which it is stated that the Bank

has informed the Monitoring Committee that it must possess PAN/TAN Number for opening an account. For this purpose, the Bank requires a letter from the Secretary General of this Court regarding appointment of the Monitoring Committee and the status.

The Secretary General will inform the State Bank of India situated at Core 6A, Lobby Floor, India Habitat Centre, Lodhi Road, New Delhi - 110001 that the Monitoring Committee is a Committee appointed by this Court and it may be permitted to open an account without PAN/TAN at the earliest.

Submission of learned Amicus

Learned Amicus has brought to our notice that the Delhi Development Authority is proposing to amend the Master Plan of Delhi and steps have already been initiated in this regard. He submits that it would be appropriate if the Delhi Development Authority, the Municipal Corporations in Delhi and the Delhi Government file an affidavit within a week informing whether they have conducted any :

(i) Environment Impact Assessment before making any modification as proposed;

(ii) Whether any study has been conducted and whether any facts and figures are available with regard to congestion in the city of Delhi;

(iii) Whether any steps have been taken to effectively manage traffic in consultation with the Delhi Police in view of the proposed changes;

(iv) Whether fire safety measures have been considered and access

to fire engines etc.;

(v) Whether steps for providing parking facilities have been provided for and taken into consideration;

(vi) Whether civic amenities are available and have been provided particularly availability of water not only for drinking water but for other purposes as well (such as dousing fire), management of sewage disposal, Solid Waste Management and supply of electricity etc.;

(vii) Whether the safety of buildings which have been and which are sought to be constructed upon has been taken into consideration and whether any assessment has been made of all these buildings so that the life of the people in the buildings are safe and secure;

(viii) Whether the issue of population density in Delhi said to be in the region of 1.67 crores - 2 crores has been taken into consideration;

(ix) Whether any information / statistics is available with the Delhi Pollution Control Board or Centre Pollution Control Board with regard to the pollution in Delhi from 2006 onwards till date particularly when there was liberalization in the roads notified for mixed use or a commercial use. If so, steps taken to reduce the pollution.

Report No. 112 (Status Report in respect of inspection carried out on 05.02.2018)

We have received Report No.112 dated 09.02.2018 filed by the Monitoring Committee to the effect that during the process of sealing of premises where commercial activities were being carried

out in violation of the Master Plan 2021 and Building Byelaws, there was a gathering at the instance of some persons namely Mr. Om Prakash Sharma (MLA) and Municipal Councillor - Ms. Gunjan Gupta preventing performance of official duties. Consequently, the Deputy Commissioner, Shahdara (South Zone) lodged an FIR with the Anand Vihar Police Station against these two persons. A copy of the FIR, photographs and CD have been attached to the Report. The Report, photographs, CD along with FIR should be uploaded by the Monitoring Committee on its website immediately.

Since Shri Om Prakash Sharma (MLA) and Municipal Councillor - Ms. Gunjan Gupta are accused of preventing authorities from carrying out their statutory duties, they are liable for action under the Indian Penal Code (IPC) as well as under the Contempt of Courts Act. As far as the offences under the IPC are concerned, we have no doubt that Delhi Police will take necessary action without fear and favour and without being influenced in any manner whatsoever.

Since the Monitoring Committee is functioning under the directions of this Court, any interference in its functions will amount to Contempt of Court. Consequently, for the interference caused by Shri Om Prakash Sharma (MLA) and Municipal Councillor- Ms. Gunjan Gupta, we issue a notice to them to show cause why contempt of court proceedings be not initiated against them. They should be personally present in Court on the next date of hearing.

The Commissioner of Delhi Police is directed to ensure that all protection is given to the Members of the Monitoring Committee so that they are in a position to carry out their duties even if

the statutory authorities do not deem it appropriate to carry out their duty in accordance with law. The rule of law must be enforced.

List the matter on 06.03.2018.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER