

ITEM NO.3

COURT NO.4

SECTION PIL-W

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)

(In RE.: SEALING ISSUE)

(1) IA NOS. 2069-2069A (APPLNS. FOR DIRECTIONS)

(2) IA NO. 2180 (APPLN. FOR DIRECTIONS)

(3) IA NOS. 2181 -2182 (APPLNS. FOR QUASHMENT OF ORDINANCE DT. 15.9.2007 AND IMPLEADMENT)

(4) IA NO. 2256 (APPLN. FOR DIRECTIONS)

(5) IA NO. 2331 (APPLN. FOR CHALLENGING THE NOTIFICATIONS DT. 16.6.2008 AND 12.8.2008)

(6) IA NO. 2441 (APPLN. FOR DIRECTIONS)

(7) IA NO. 43487/2018 (APPLN. FOR DIRECTIONS ON B/O GOVT. OF NCT OF DELHI)

(8) IA NO. 45330/2018 (APPLN. FOR STAY ON B/O DELHI DEVELOPMENT AUTHORITY)

WITH W.P.(C) No. 144/2009 (PIL-W)

W.P.(C) No. 212/2008 (PIL-W)

W.P.(C) No. 266/2006 (PIL-W)

W.P.(C) No. 263/2006 (PIL-W)

W.P.(C) No. 229/2008 (PIL-W)

W.P.(C) No. 264/2006 (PIL-W)

SLP(C) No. 10599/2007 (XIV)

W.P.(C) No. 450/2006 (PIL-W)

W.P.(C) No. 464/2006 (PIL-W)

W.P.(C) No. 470/2006 (PIL-W)

S.L.P.(C)...CC No. 14752-14753/2012 (XIV)

W.P.(C) No. 569/2006 (PIL-W)

W.P.(C) No. 563/2006 (PIL-W)

W.P.(C) No. 610/2006 (PIL-W)

Date : 24-04-2018 This petition was called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE DEEPAK GUPTA

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144/09

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212/2008 Mr. Rohan Thawani, Adv.
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UPON hearing the counsel the Court made the following
O R D E R

We have heard learned *amicus curiae* as well as learned Additional Solicitor General (Mr. Nadkarni) appearing for the Union of India, learned Additional Solicitor General (Mr. Maninder Singh) appearing for the DDA and learned counsel for Government of Delhi and other bodies.

Mr. K.C. Naik, Member Secretary and Officiating Chairman of the Central Ground Water Board is present. He has been requested to give us the status of ground water level in 20 points in Delhi from the year 2000 onwards every five years including for the year 2017/2018 so that we are in a position to understand whether there has been a depletion of ground water and in which area and to what extent. This may be done in the form of a chart as well as in the form of a Plan/graph/map.

It has been brought to our notice by learned *amicus curiae* that an order was passed by this Court on 27th August, 2007 which is quoted in Report No.114 to the effect that construction is being carried out in unauthorized colonies. This has been possible because

the building and other bye-laws do not apply to these unauthorized colonies. Consequently, unauthorized colonies are placed in a better position than authorized colonies. It has been recorded by this Court in the order dated 27th August, 2007 that unauthorized colonies cannot be placed in a better position than authorized colonies.

In view of this situation, we direct that there should not be any further construction in unauthorized colonies including on public land beyond the existing building and other bye-laws. Consequently, all building and construction activity in the unauthorized colonies including on public land is stopped with immediate effect beyond the existing building and other bye-laws applicable to authorized colonies. The concerned authorities will ensure compliance.

It has been submitted by learned Additional Solicitor General (Mr. Nadkarni) that a Task Force is contemplated that will ensure that the orders of this Court and the applicable bye-laws are implemented and encroachments, etc. as well as unauthorized constructions are removed.

The Task Force as suggested by learned Additional Solicitor General (Mr. Nadkarni) may be constituted with immediate effect.

As a first step, the Task Force should remove encroachments on public roads, public streets and pedestrian streets, as mentioned in the immediate action

submitted by Mr. Nadkarni in a Revised Note dated 18th April, 2018. The needful should be done within a period of two weeks from today.

We make it clear that the Monitoring Committee may suggest to the Task Force the areas where immediate action is required to be taken.

It is stated by learned Additional Solicitor General (Mr. Maninder Singh) that about 27.02 acres of public land has been taken over by the Delhi Development Authority since 1st April, 2018. The details of this have not been mentioned. An affidavit should be filed giving full details of the 27.02 acres of public land that has been taken over by the Delhi Development Authority from unauthorized encroachments.

List the matter on 15th May, 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER