

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 &amp; 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 :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Ranjit Kumar, Sr. Advocate (A.C.)

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

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Mr. Rishi Raj Sharma, Adv.

Ms. Srishti Agnihotri, Adv.  
 Mr. Sudipto Sircar, Adv.  
 Ms. Remya Raj, Adv.  
 Ms. Tulika Chikker, Adv.

For Petitioner(s)

Petitioner-In-Person

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 Mr. Ankur Saigal, Adv.  
 Mr. Himanshu Satija, Adv.  
 Mr. E.C. Agrawala, Adv.

For Respondent(S)

Mr. A.N.S. Nadkarni, ASG  
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 Mr. Ritesh Kumar, Adv.  
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212/2008 Mr. Rohan Thawani, Adv.  
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Mr. Prasanthi Prasad, Adv.

Mr. Prakash Kumar Singh, Adv.

Ms. Kamakshi S. Mehrlwal, Adv.

Mr. Abhinav Mukerji, Adv.

Law Associates

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 27<sup>th</sup> 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 27<sup>th</sup> 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 18<sup>th</sup> 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 1<sup>st</sup> 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 15<sup>th</sup> May, 2018.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
COURT MASTER

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 &amp; ORS.

Respondent(s)

(In RE.: SEALING ISSUE)

REPORT NO. 115 SUBMITTED BY MONITORING COMMITTEE REGARDING NON-COOPERATION AND NON-PROVISION OF POLICE FORCE FOR SEALING OPERATIONS.

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

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

Mr. Ranjit Kumar, Sr. Advocate (A.C.)  
Mr. A.D.N. Rao, Advocate (A.C.)  
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Mr. Sudipto Sircar, Adv.  
Ms. Remya Raj, Adv.  
Ms. Tulika Chikker, Adv.

For Petitioner(s) Petitioner-In-Person

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Mr. Prashant Bhushan, Adv.  
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Mr. M.C. Dhingra, Adv.

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Mr. Nishant Kumar, Adv.

Mr. Mahesh Agarwal, Adv.  
Mr. Ankur Saigal, Adv.  
Mr. Himanshu Satija, Adv.  
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for M/s Parekh & Co.

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Mrs. Manik Karanjawala, Adv.

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 Mr. Ameet Singh, Adv.  
 Mr. Rahul Arya, Adv.  
 Mr. Sayan Ray, Adv.

212/2008

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Mr. Prakash Kumar Singh, Adv.

Ms. Kamakshi S. Mehrlwal, Adv.

Mr. Abhinav Mukerji, Adv.

Law Associates

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

It is stated by learned *amicus curiae* as well as learned Additional Solicitor General that the matter is being discussed and modalities are likely to be finalized soon.

List the Report No. 115 on 15<sup>th</sup> May, 2018.

(SANJAY KUMAR-I)  
 AR-CUM-PS

(KAILASH CHANDER)  
 COURT MASTER

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**  
**RECORD OF PROCEEDINGS**

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

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

IA NOS. 7095 AND 7102/2018 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O JASPAL SINGH AND ORS.)

In RE.: SHIFTING OF INDUSTRIES

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

CORAM :

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

Mr. Ranjit Kumar, Sr. Advocate (A.C.)  
Mr. A.D.N. Rao, Advocate (A.C.)  
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212/2008

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Mr. Prasanthi Prasad, Adv.

Mr. Prakash Kumar Singh, Adv.

Ms. Kamakshi S. Mehlwal, Adv.

Mr. Abhinav Mukerji, Adv.

Law Associates

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

IA No.7095

This is an application for impleadment filed by  
Jaspal Singh and Others.

IA No.7102

This is an application for directions filed by Jaspal  
Singh and Others.

It is stated before us by Mr. A. Saran, learned senior counsel appearing on behalf of DDA that 15 shops in Property No.13-A/27 WEA Karol Bagh, New Delhi have since been demolished. As such, nothing further survives in both the applications. Accordingly, both the applications are disposed of.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
COURT MASTER

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 &amp; ORS.

Respondent(s)

IA NO. 76602/2017 (APPLN. FOR DIRECTIONS ON B/O MAWANA SUGAR LTD.)

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

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Ranjit Kumar, Sr. Advocate (A.C.)

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Mr. Prakash Kumar Singh, Adv.

Ms. Kamakshi S. Mehlwal, Adv.

Mr. Abhinav Mukerji, Adv.

Law Associates

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

In view of the letter circulated by learned counsel  
for DDA, list the application on 25<sup>th</sup> July, 2018.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
COURT MASTER