

ITEM NO.1 Court No.1 (Video Conferencing) 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 & ORS.

Respondent(s)

((1) IA NOS.2722/2016, 2723/2016, 2724/2016 AND IA NO. 5075/2021 (APPLNS. FOR PERMISSION, DIRECTIONS, PERMISSION TO FILE ADDITIONAL DOCUMENTS ON BEHALF OF MINISTRY OF CULTURE AND ANOTHER), (2) IA NOS. 98587/2020 AND 98588/2020 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF RESIDENT WELFARE ASSOCIATION, RANGPURI EXTENSION) AND (3) I.A. NOS.161831/2019 AND 96210/2020 (APPLNS. FOR DIRECTIONS AND BRINGING ON RECORD ADDITIONAL DOCUMENTS ON BEHALF OF DEFENCE COLONY MARKET WELFARE ASSOCIATION) IN W.P. (C) NO. 4677/1985 "ONLY" ARE LISTED : NAMES OF FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST : MR. S GURU KRISHNA KUMAR, SR. ADVOCATE (A.C.) MS. ANITHA SHENOY, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, ADVOCATE (A.C.) PETITIONER-IN-PERSON MR. B.V. BALRAM DAS, MR. PRAVEEN SWARUP, MS. GARIMA PRASHAD, MS. ANIL KATIYAR, MR. D.N. GOBURDHUN, MR. RAJ BAHADUR YADAV, MS. ROOH-E-HINA DUA, ADVOCATES)

Date : 03-02-2021 These applications were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

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Mr. M. P. Shorawala, AOR
Mr. A. Raghunath, AOR

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

IA NOS.2722/2016, 2723/2016, 2724/2016 AND IA NO.5075/2021 - (APPLNS. FOR PERMISSION, DIRECTIONS, PERMISSION TO FILE ADDITIONAL DOCUMENTS ON BEHALF OF MINISTRY OF CULTURE AND ANOTHER) IN W.P. (C) NO. 4677/1985

At the request of Ms. Aishwarya Bhati, learned Additional Solicitor General, list the instant interlocutory applications after two weeks.

I.A. No.5075/2021 stands disposed of accordingly.

IA NOS.98587/2020 AND 98588/2020 - (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF RESIDENT WELFARE ASSOCIATION, RANGPURI EXTENSION) IN W.P. (C) NO. 4677/1985

Issue notice returnable after two weeks.

Reply affidavit, if any, be filed by the respondents in the meantime.

I.A. NOS.161831/2019 AND 96210/2020 (APPLNS. FOR DIRECTIONS AND BRINGING ON RECORD ADDITIONAL DOCUMENTS ON BEHALF OF DEFENCE COLONY MARKET WELFARE ASSOCIATION) IN W.P. (C) NO. 4677/1985

Mr. P.S. Narasimha, learned Senior Counsel appearing for the applicant - Association, states that there are many shops which have been purchased by the owners for commercial use, but these have been sealed by the Monitoring Committee on the ground that there is an unauthorised and illegal diversion of the user of the shops. The allegation of unauthorised use is that the premises which have been sealed, were originally purchased as residential units and have now been unauthorisedly converted to commercial use.

It is pointed out by Mr. Narasimha, learned Senior Counsel, on the bases of Certificate of Sale [Lease Hold Properties) issued under Rule 90(15) [Annexure - 4 at page 30 of the instant application) that the premises were original purchased as a shop. Further the notice for the auction held on 20.11.1957, shows that 14 shops in Defence Colony were meant to be auctioned.

If it is a fact that the premises which have been sealed on the ground of unauthorised change of user from residential to commercial, was actually sold as a shop, we see no reason why the sealing should continue.

However, it is important to ascertain which of the premises which have been sealed were originally purchased as shops meant for commercial use. We accordingly consider it appropriate to direct that a list be prepared of all such premises which were originally purchased as shops and have now been sealed on the ground that residential premises have been converted unauthorisedly to commercial premises.

Mr. A.D.N. Rao, learned Amicus Curiae, will scrutinize all the relevant documents regarding the original purchase of the premises.

Mr. Sanjiv Sen, learned Senior Counsel appearing for the South Delhi Municipal Corporation (SDMC), seeks permission to point out such documents which will show the true status of the shops in question when they were purchased.

We permit the South Delhi Municipal Corporation (SDMC) to do so.

Since the matter affects the livelihood of the members of the applicant-Association, Mr. Rao, learned Amicus Curiae may submit his report to this Court within a period of four weeks from today.

List the instant interlocutory application along with the above report and I.A. Nos.108457/2020, 96784/2020, 96785/2020 and 78530/2020 in Writ Petition (C) No.4677/1985 after four weeks.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR