

ITEM NO.803

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 & ORS.

Respondent(s)

WITH C.A.Diary No.27099/2021 (Mentioned)

Date : 16-04-2025 This matter was mentioned today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :

Mr. Sanjay Jain, AOR (Mentioned by)

For Respondent(s)

UPON being mentioned the Court made the following
O R D E R

C.A.Diary No.27099/2021

No order is required to be passed.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

ITEM NO.39

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 (Civil) No.4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[TO BE TAKEN UP AT 12.00 NOON] 1) IA NOS. 145771 AND 145777/2024 (APPLNS. FOR IMPEADMENT AND DIRECTIONS ON BEHALF OF PAVIT SINGH) 2) IA NO. 105251/2018 (APPLN. FOR DIRECTIONS ON B/O HDFC BANK LTD.) 3) IA NOS. 179279 AND 179280/2018 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF AMARNATH SAHANI AND ORS.) 4) IA NO. 124213/2018 (APPLN. FOR DIRECTIONS ON B/O KOTAK MAHINDRA BANK LTD.) 5) IA NO. 29126/2019 (APPLN. FOR INTERVENTION IN IA NO. 105251/2018 AND 124213/2018 ON B/O BANK OWNERS ASSOCIATION) 6) IA NOS. 182567, 182573/2019 AND 150265/2021 (APPLNS. FOR IMPEADMENT, DIRECTION AND VACATING INTERIM ORDER DT. 16.12.2019) 7) IA NO. 275268/2024 IN 150265/2021 IN IA NOS. 182567, 182573/2019 (APPLN. FOR MODIFICATION/CLARIFICATION OF THE ORDER DATED 4.11.2024) 8) I.A.NOS. 77503 AND 82069/2024 (APPLNS. FOR DIRECTION AND PERMISSION ON BEHALF OF INDIAN OIL CORP. LTD.) 9) I.A. NOS. 181186 AND 181193/2022 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O KAMAL TANWAR) 10) I.A. NOS. 65437 AND 69800/2022 (APPLNS. FOR IMPEADMENT AND DIRECTIONS ON B/O DEWAN AND SONS INVESTMENT PVT. LTD.) AND REPORT NO. 13 of 2025 SUBMITTED BY CEC A) CHALLENGE TO MASTER PLAN OF DELHI AND ISSUES CONNECTED THEREWITH (1) IA NOS. 2069-2069A (APPLNS. FOR DIRECTIONS) (2) IA NO. 2180 (APPLN. FOR DIRECTIONS) (3) IA NOS. 2181 AND 2182/2007 (APPLNS. FOR QUASHMENT OF ORDINANCE DT. 15.9.2007 AND IMPEADMENT) (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 NOS. 82684, 82685 AND 82689/2020 (APPLNS. FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM PAYING COURT FEES ON B/O DELHI DEHAT VIKAS MANCH) (9) IA NOS. 21700 AND 21701/2019 (APPLNS. FOR IMPEADMENT AND DIRECTIONS ON B/O DEFENCE COLONY WELFARE

ASSOCIATION) (10) IA NOS. 140093 AND 140094/2019 (APPLNS. FOR IMPEADMENT AND DIRECTIONS ON B/O MASOODPUR DAIRY RESIDENTS WELFARE ASSOCIATION) B) MARBLE MARKETS - MISUSE OF RESIDENTIAL PROPERTIES/AGRICULTURAL LANDS APPLICATIONS ON BEHALF OF THE MARBLE VENDORS PRAYING FOR DE-SEALING OF THEIR SHOPS/PROPERTIES IA NOS. 9387/2018, 9402/2018, 9410/2018, 9423/2018, 9427/2018, 9432/2018, 9435/2018, 9441/2018, 9447/2018, 9458/2018, 9462/2018, 9470/2018, 9480/2018, 9490/2018, 9499/2018, 9509/2018, 9514/2018, 9529/2018, 9534/2018, 9538/2018, 9542/2018, 9546/2018, 9553/2018, 9561/2018, 9563/2018, 9567/2018, 9574/2018, 9586/2018, 9591/2018, 9645/2018, 9664/2018, 9675/2018, 9687/2018, 9695/2018, 9697/2018, 9705/2018, 9712/2018, 9718/2018, 9723/2018, 9773/2018, 9844/2018, 9852/2018, 9856/2018, 9860/2018, 9863/2018, 9869/2018 AND 79671/2020 (APPLNS. SEEKING ISSUANCE OF DIRECTIONS TO SDMC/MONITORING COMMITTEE TO DE-SEAL PREMISES AND COMMON APPLICATION FOR DIRECTIONS ON BEHALF OF M/S AMIT MARBLES PVT. LTD. ETC.) 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, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) PETITIONER-IN-PERSON MR. MANAN VERMA, MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. PRAVEEN SWARUP, MR. NISHIT AGRAWAL, MR. CHIRAG M. SHROFF, MS. ROOHE HINA DUA, MR. BALAJI SRINIVASAN, MS. CHANCHAL K. GANGULI, MR. AJAY VIKRAM SINGH, ADVOCATES APPLICANT-IN-PERSON, MR. VIVEK NARAYAN SHARMA, ADV. MR. ABHINAV SHRIVASTAVA MR. GAGAN GUPTA MR. B.K. SATIJA MS. NISHTHA KUMAR MR. KAILAS BAJIRAO AUTADE, ADVOCATES MS. GARGI KHANNA, MR. CHANCHAL K. GANGULI, MR. KAUSHAL YADAV, ADVOCATES MS. RAKHI RAY, ADVOCATES

WITH

W.P.(C) No. 266/2006 (PIL-W)
W.P.(C) No. 263/2006 (PIL-W)
W.P.(C) No. 264/2006 (PIL-W)
W.P.(C) No. 450/2006 (PIL-W)
W.P.(C) No. 464/2006 (PIL-W)
W.P.(C) No. 470/2006 (PIL-W)
W.P.(C) No. 569/2006 (PIL-W)
W.P.(C) No. 563/2006 (PIL-W)
W.P.(C) No. 610/2006 (PIL-W)
W.P.(C) No. 212/2008 (PIL-W)
W.P.(C) No. 229/2008 (PIL-W)
W.P.(C) No. 144/2009 (PIL-W)

Date : 16-04-2025 This petition was called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

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**[In I.A. No.150265/2021, 275268 &
182567, 182573/2019]**

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[I.A. No.182567/2019, 182573/2019]

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[State of H.P.)	Mr. Divyanshu Kumar Srivastava, AOR Mr. Saurabh Pandey, Adv.

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

I.A. Nos.145771 and 145777 of 2024

Heard learned counsel appearing for the applicant and learned senior counsel appointed as Amicus Curiae. The issue raised by the applicant is of serious nature. He has pointed out that there are large scale illegal constructions within the vicinity of 100 to to 300 meters of the protected monument Quila Rai Pithora at Village Saidulajab, New Delhi. In fact, according to the applicant, the details of the illegal constructions made are available on the website of Delhi Municipal Corporation (MCD). The details of 81 structures have been mentioned in I.A. No.145777 of 2024. We, therefore, issue notice to respondent nos.1, 2 and 3 returnable after four weeks.

We direct the respondent nos. 2, 3 and 4 to constitute

a team of officials to visit the sites mentioned in the application with a view to ascertain whether any such illegal constructions are in existence. If the authorities find that illegal constructions are in existence, due process of law shall be forthwith initiated for removal of the constructions/structures. While the teams constituted by the respondent nos.2, 3 and 4 make a site visit, the Commissioner of Police, Delhi shall ensure that on requisition made by the said team, adequate police protection is provided to them. We grant time of three months to complete the aforesaid exercise and to place on record a comprehensive report regarding the existence of illegal structures and action initiated for removal of the structures.

A copy of this order shall accompany notice.

At the time of the site visit, the team constituted by the said respondents shall give intimation to the applicant so that he can accompany the team of officials only to assist the team.

It is pointed out in the application that Quila Rai Pithora situated at Village Saidulajab, New Delhi has been notified as a protected monument by a notification dated 4th March, 1918. The applicant has pointed out that in view of Section 20A of the Ancient Monument &

Archaeological Sites and Remains Act, 1958, every area beginning from the outer limit of the protected monument extending upto a distance of 100 meters is a "prohibited area". Moreover, Section 20B of the 1958 Act, states that every area beginning from the outer limit of the prohibited area of the protected monument extending up to a distance of 200 meters is a "regulated area" and therefore, in these areas, there is a prohibition of construction by private persons. These aspects shall be taken into consideration by the concerned authorities.

I.A. No.182567/2019, 182573/2019, 150265/2021, 275260/2024

In these I.As. we have to essentially resolve the dispute between two members of the Bar. Therefore, these applications will be taken only after the issue regarding challenge the 2021 Master Plan for Delhi is decided.

I.A. Nos.77503 and 82069 of 2024

The DDA has offered a site and inspection of the site was given as can be seen from the affidavit dated 21st April, 2025 of one Shri Jai Prakash Pandey filed by the Indian Oil Corporation Limited (IOCL). We call upon IOCL to file an affidavit stating whether they are interested in accepting the site offered by DDA. Affidavit to be filed within 15 days.

List on 7th May, 2025 at 12.00 noon.

I.A. Nos.181186 & 181193 of 2022

We have perused the status report submitted by the Deputy Conservator of Forests (Protection and Monitoring) on behalf of Government of MCD of Delhi. There are two parts of the report. One is encroachment on non-forest lands and the other is encroachment on forest land. As far as encroachment of forest lands is concerned, the situation is alarming. Though small portion of encroachment has been removed, even as of today, the encroachment is 148.97 hectares.

We direct the Registry to place on record copy of the status report dated 21st March, 2025 before the Bench dealing with the case of *T.N. Godavarman Thirumulpad versus Union of India* in W.P. (Civil) No.202 of 1995 so that appropriate directions can be issued as regards the encroachments on the forest lands.

As regards the encroachment on the non-forest lands, we propose to issue directions to DDA and MCD. The counsel representing MCD is not present today. We will hear the counsel for the DDA and MCD on the issue of removal of encroachments on non-forest lands. If a copy of the status report is not served on the advocates for these entities, the same shall be served by the Advocate-on-Record for the Forest Department so that both the authorities can respond

on the next date. These issues will be considered on the next date. List on 7th May, 2025 at 12.00 noon.

I.A. No.65437/2022 and I.A. No.69800/2022

We have perused the report submitted by the Registrar General of Delhi High Court dated 17th March, 2025 pursuant to the order dated 28th February, 2025. The status report records that now the writ petition has been listed on 13th May, 2025. We request the Delhi High Court to decide the writ petition as expeditiously as possible.

Registry to forward copies of this order and the order dated 28th February, 2025 to the Registrar General of the Delhi High court to enable him to place it before the concerned Roster Bench.

I.A. No.1583 of 2025 and Report No.13 of 2025

Advocate for the applicant is not present.

We have perused the recommendations of CEC in the present report dated 27th March, 2025. We accept the recommendations in paragraph 20 of the report. What is stated in paragraph 19 of the report shall be also treated as part of the recommendations.

We accept the recommendations of CEC subject to following conditions.

(a) The applicant shall file an undertaking in this Court accepting the terms and conditions proposing the

recommendations and further undertaking to abide by the same.

(b) After compliance with all the terms and conditions incorporated in paragraphs 19 and 20 of the report, this Court will permit felling of 40 trees and translocation of 20 trees. Undertaking to be filed within two weeks. For passing further orders, to be listed on 7th May, 2025 at 12.00 noon.

Registry to issue intimation to the Delhi Jal Board about the date fixed.

I.A. No.140093/2019 and 140094/2019

We permit the applicants to place on record copies of the applications for regularization and all related documents. These I.As will be considered on 7th May, 2025 at 12.00 noon.

To be heard along with report No.157.

We direct that Delhi Development Authority (DDA) and the Delhi Slum Urban Shelter Improvement Board (DUSIB) to be represented when we hear these applications.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)