

(2000) 12 SC CK 0048

In the Supreme Court Of India

Case No : IA No. 22 in Writ Petition (C) No. 4677 of 1985, I.A. No. 1206 in Writ Petition (C) No. 4677 of 1985, I.A. No's. 1204, 1205 and 1224 in Writ Petition (C) No. 4677 of 1985 and W.P. (C) No. 98 of 2000

M.C. Mehta

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 07-12-2000

Acts Referred:

Citation : (2000) 7 SCALE 618 : (2000) 1 SCALE 137 : (2002) 9 SCC 483

Hon'ble Judges : Doraiswamy Raju, J;Brijesh Kumar, J;B. N. Kirpal, J

Bench : Full Bench

Judgement

1. We have heard the counsel for the Chief Secretary, National Capital Territory of Delhi as well as for the Commissioner, Municipal Corporation of Delhi to whom notices for contempt were issued. We have also heard the Amicus Curiae, Mr. M.C. Mehta and all the counsel for the National Capital Territory of Delhi and Municipal Corporation of Delhi and Delhi Development Authority in LA. No. 1206 and we reserve orders in both the matters.

2. The parties are given liberty to file further affidavits and/or written submissions, as desired by the respective counsel for the parties, within two weeks. Responses thereto be filed, if so desired, within a week thereafter.

3. Counsel for the Municipal Corporation of Delhi states that a list of industries functioning in the non-conforming areas including the residential areas shall be furnished to the other counsel for the parties as well as will be filed in Court within ten days. The list will also indicate the nature of the activity, and if possible, whether it is a polluting industry or not.

4. In the meantime, under the supervision of the Nodal Agency, the Govt. of National Capital Territory of Delhi, Municipal Corporation of Delhi and Delhi Development Authority will close all the polluting units functioning in non-conforming/residential areas or zones. This should be done within four weeks

from today. The Chief Secretary, N.C.T. of Delhi; the Commissioner, M.C.D.; Vice-Chairman, D.D.A. as well as the Commissioner of Police, Delhi shall render all assistance to and comply with the directions issued by the Nodal Agency in compliance of the orders of this Court regarding closure and/or re-location. The Nodal Agency will be at liberty to direct closure of the polluting units under their supervision.

5. The compliance of this order must be reported to the Court by the Nodal Agency by way of filing of an affidavit after five weeks. To come up for further directions on 24th January, 2001.

6. No orders of stay on injunction passed by any other Court shall prevent any action being taken by any of the aforesaid authorities pursuant to the orders passed today and pursuant to the orders passed by this Court earlier at any point of time in effecting closure or re-location.

7. It will be open to the authorities concerned to give the publicity of the orders passed.