

(2011) 08 SC CK 0086

In the Supreme Court Of India

Case No : I.A. No. 22 in Writ Petition (C) No. 4677 of 1985

M.C. Mehta

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 17-08-2011

Acts Referred:

Citation : (2011) 9 SCALE 336

Hon'ble Judges : V.S. Sirpurkar, J;G.S. Singhvi, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. We have considered Report No. 85 of the Monitoring Committee as well as the response affidavit dated 24.6.2011 filed on behalf of Delhi Development Authority by Mr. H. Rajesh Prasad, Commissioner, Land Management. In the said affidavit, the D.D.A. has attributed the act of de-sealing of the Shops in Rajapur Extension to the approval dated 26.10.2010 of Hon'ble Lieutenant Governor of Delhi.

2. We do not approve of the manner in which this direction of de-sealing was given. De-sealing can be done by this Court alone. There are clear orders passed by this Court earlier to that effect. However, the DDA in its affidavit has asserted that Hon'ble Lt. Governor vide order dated 1.12.2010 granted "approval" for de-sealing of shops in Rajapur Extension meaning thereby that this was the proposal given by the so-called authority on which the Lt. Governor only gave his approval to the said proposal.

3. On the basis of this, it is reported before us that 54 shops were de-sealed. Some others also taking the clue, started de-sealing their own shops by either tampering with or liquidating the seals on their own. We dis-approve of all this and direct the D.D.A. to seal all the aforesaid 147 shops in Rajapur Extension forthwith, including 54 de-sealed shops.

4. Learned Counsel appearing for the Khan Market Traders Association, Khan

Market Welfare Association and Sarojini Nagar Market Shopkeepers' Association undertake to serve affidavits within one week on the Learned Counsel appearing for the concerned parties.

5. List this matter in the last week of August, 2011 before a Bench to be reconstituted by Hon'ble the Chief Justice of India.