

(1999) 07 SC CK 0007

In the Supreme Court Of India

Case No : I.A. No's. 276 in Writ Petition (C) 1699 of 1987 with I.A. No's. 277, 278, 282-283, 284, 295-296, 297, 299, 300, 301, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324 in Writ Petition (C) No. 1699 of 1987, C.P. (C) No"

Ramesh Kumar

APPELLANT

Vs

M.C.D. and Another

RESPONDENT

Date of Decision : 30-07-1999

Acts Referred:

Citation : (1999) 10 JT 306 : (1999) 5 SCALE 420

Hon'ble Judges : S. B. Majmudar, J; M. Jagannadha Rao, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

I.A. Nos. 276, 277, 278 & 282-283:

1. Having heard learned Counsel for the parties, in view of our earlier order dated 26-2-1999, no further relief is required to be granted in these I.As. Whatever benefit is available to the applicants pursuant to the aforesaid order will obviously be available to them. We are informed by learned Counsel, Mr. Kashyap that the grievance of the applicants is already pending scrutiny before the Chopra Committee. The grievance of the applicants will obviously be examined on its own merits. I.As. are accordingly disposed of.

I.A. No. 284:

2. Having heard learned Counsel for the parties, in our view, before any further orders are passed in this I.A. it will be necessary to have first hand information regarding the position on spot in Pushpa Market, as learned Counsel for the applicant-squatters on instructions has vehemently stated before us that despite explosion and the Lt. Governor's order which had resulted in uprooting a number of squatters in that area, still there are illegal and unauthorised squatters. In view of this statement, learned Counsel for the M.C.D. stated on instructions that

that has not been done and that can never be done excepting for those who are already protected by any interim orders granted either by this Court or any other Court. In our view, looking to the aforesaid rival contentions, it would be appropriate to request Shri Chopra to make it convenient to go to the spot and have a surprise visit in connection with the aforesaid grievance and submit a report to us. For that purpose, this I.A. will stand adjourned to 10-9-1999 at 2.00 P.M. A copy of this order be communicated to Shri R.C. Chopra for his information and necessary compliance.

I.A. Nos. 295-296

3. At the request of learned Counsel for the M.C.D. four weeks' time is granted to file written response to the grievance made in these I.As. Adjourned to 10-9-1999 at 2.00 P.M.

I.A. No. 297 & 317:

4. Adjourned to 10-9-1999 at 2.00 P.M. In the meantime, learned Counsel for the M.C.D. will file written response to the grievance made in these I.As. Learned Counsel for the squatters against whom the grievance is made may file counters. Counter may be filed within four weeks and within two weeks thereafter, rejoinder if any, may be filed. These I.As. will be placed along with the paper books of I.A. No. 271/98 in W.P. (c) No. 1699/87 and C.P. (c) No. 383/98 in I.A. No. 272/98 in W.P. (c) No. 1699/87 disposed of on 26-2-1999.

I.A. Nos. 308-313:

5. Learned Counsel for the applicants requests for some time to enable him to file appropriate copies of the orders of the M.C.D. rejecting the claim of the applicants and also copies of the orders of Chopra Committee thereafter rejecting their claims.

6. Adjourned to 10-9-1999 at 2.00 P.M.

I.A. Nos. 299-301, 318-323 & C.P. (c) 398/98.

7. Adjourned to 10-9-1999 at 2.00 P.M.

I.A. NO. 314:

8. Learned Counsel for the applicants does not press this I.A. It is therefore, dismissed as not pressed.

I.A. NO. 315:

9. Learned Counsel for the applicant, Mr. Kashyap rightly informs us that in view of our order dated 7-5-1999 no further relief is required by the applicant in the present I.A. It is disposed of accordingly.

I.A. No. 316:

10. Notice to issue returnable on 10-9-1999

I.A. No. 324:

11. Having heard learned Counsel for the parties, we find that the grievance of the applicant is that though 12.6.1998 was given the date of personal hearing by the M.C.D. in support of his application, the applicant could not remain present on that date and produce the records before the M.C.D. because he was sick. Be that as it may, now it appears that the applicant has filed an appeal before the Chopra Committee against the order of the M.C.D. rejecting his claim. We therefore, permit the applicant to produce all the relevant records with affidavit which he could not produce before the M.C.D. When such an affidavit along with the relevant Committee records are produced in support of the appeal the Chopra Committee will go into the records and the averments made in the affidavit and pass appropriate orders in the appeal filed by the applicant. There is no question of giving personal hearing to the applicant. This concession is being given to the applicant in view of the fact that he did not get any opportunity to avail of personal hearing before M.C.D. This will not be treated as a precedent. I.A. is disposed of accordingly.

Contempt Petition (C) No. 194 of 1999:

12. Leave to amend the prayer (A) granted. Instead of the words "Bhikaji Cama Place" the words, "Green Park" are permitted to be inserted.

13. Learned counsel for the applicant states on instructions that the grievance of the applicant is that he is being disturbed from the place of squatting, though according to her, M.C.D. itself had granted clearance for squatting.

14. Awaiting response from the respondent-M.C.D. adjourned to 10-9-1999 at 2.00 P.M.

I.A. No. 325:

15. Mr. Kashyap, learned Counsel for the applicants states that the earlier order dated 7-5-1999 protects the applicants as they have already moved the Chopra Committee and as per that order, the applicants are not to be disturbed till the Chopra Committee finally disposes of the appeal. No. view of this statement, no further direction needs to be issued. I.A. is disposed of accordingly.

I.A. No. 326-327:

16. At the request of learned Counsel Shri Kashyap for the applicant-Association time is granted to give a list of persons for whom the applicant-Association is making a grievance and all these persons will be permitted to be joined as applicants along with their Association.

17. Appropriate response will be filed by learned Counsel for the M.C.D. in connection with the grievance made in paragraph 14 of the I.As.

18. Liberty is also reserved to learned Counsel for the M.C.D. to file appropriate response to all other averments in these I.As. Adjourned to 10-9-1999 at 2.00

P.M.