

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IA NOS. 74451 AND 74452/2018

(APPLNS. FOR INTERVENTION AND DIRECTION ON B/O REHRI PATRI WELFARE ASSOCIATION)

Date : 18-05-2018 These applications were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Mr. Ranjit Kumar, Sr. Advocate (A.C.)

Mr. A.D.N. Rao, Advocate (A.C.)

Ms. Anitha Shenoy, Advocate (A.C.)

Mr. Rishi Raj Sharma, Adv.

Mr. Sudipto Sircar, Adv.

Ms. Remya Raj, Adv.

Petitioner-In-Person

For Respondent(S) Mr. K.K. Venugopal, Attorney General

Mr. A.N.S. Nadkarni, ASG

Mr. Amit Sharma, Adv.

Mr. S. Wasim A. Qadri, Adv.

Mr. D.L. Chidananda, Adv.

Mr. Ritesh Kumar, Adv.

Mr. Zaid Ali, Adv.

Ms. Anil Katiyar, Adv.

Mr. Rajesh K. Singh, Adv.

Mr. Raj Bahadur Yadav, Adv.

Mr. A. Sharma, Adv.

Mr. S.S. Rebello, Adv.

Ms. Sneha Prabhu Tendulkar, Adv.

Ms. Nivedita Nair, Adv.

Mr. Mayur Jaisingh, Adv.

Ms. Aankhi Ghosh, Adv.

Mr. Vijay Panjwani, Adv.

Mr. D.N. Goburdhun, Adv.
Ms. Pallavi Chopra, Adv.

Mr. B.V. Balram Das, Adv.

Mr. Sanjiv Sen, Sr. Adv.
Mr. Praveen Swarup, Adv.
Mr. Rahul Arya, Adv.
Mr. Ajay Kumar Giri, Adv.
Mr. Sayan Ray, Adv.

Mr. Surya Kant, Adv.

Mr. Maninder Singh, ASG
Ms. Garima Prashad, Adv.
Mr. G.S. Oberoi, Adv.

Mr. Ramesh Kumar Mishra, Advocate

Mr. Prashant Bhushan, Adv.
Mr. Ramesh Kumar Mishra, adv.
Mr. S.K. Singh, Adv.

Mr. Sanjay Hegde, Sr. Adv.
Mr. Shadan Farasat, Adv.
Mr. Pranjal, Adv.
Ms. Rudrakshi Deo, Adv.

UPON hearing the counsel the Court made the following

O R D E R

I.A. No. 45330/2018

In our order dated 15.05.2018, we have recorded that the learned Attorney General would like to take instructions on the issue of suspension of errant officers pending disciplinary enquiry and proceedings under the provisions of the Prevention and Corruption Act, 1988.

The learned ASG says that whenever disciplinary proceedings are contemplated for violations of the Master Plan, unified building Bye-laws and other illegal construction activities, a view

on suspending the official will be taken under the relevant Rules.

The statement is taken on record.

Oral request for modification of the order dated 15.05.2018

The learned Attorney General has requested us to modify order dated 15.05.2018 particularly the following paragraph:-

"As far as the amendment of the Master Plan is concerned, we partially modify our order dated 6th March, 2018. It is submitted, on an interpretation of Section 11A of the Delhi Development Act, 1957, which has been read over to us by the learned Attorney General, that objections to the proposed amendments to the Master Plan for Delhi will be meaningfully considered and amendments notified by the Central Government only after giving a notice period of 15 days for submitting objections. In other words, the Central Government will first invite objections from the people which can be submitted within 15 days of the notification inviting objections. After that period of 15 days is over, the Central Government will meaningfully consider and address the objections and make necessary modifications, as deemed appropriate. The amendments may then be notified.

The final decision of the Central Government should be taken keeping the interest of the people of Delhi and future generations in mind as well as the statutory requirements. The final decision should be placed on record."

Arguments heard.

Orders reserved.

IA NOS. 74451 AND 74452/2018 (Applications for intervention and direction on behalf of Rehari Patri Welfare Association)

We have heard learned counsel for the petitioner, the learned ASG and the learned Amicus.

(i) The learned ASG says that those vendors who have got Teh

bazari rights and have made constructions on the basis of *Teh bazari* rights will not be disturbed except to the extent that they have made some unauthorized construction or encroachment.

(ii) He further says that those vendors who come in the day time and go away in the evening or at night or who may be moving from place to place will not be disturbed provided they have any authorization or permission for vending at a specific location or who have applied under the 2007 scheme.

(iii) The third category of persons are those vendors who have been permitted to move from place to place or have been allowed to carry out vending activities but have made a construction on a specific location. Those, according to the learned ASG, are unauthorized constructions and those constructions are liable to be demolished. We agree with the learned ASG in this regard and learned counsel for the petitioner says that he is not supporting their cause.

We have been informed by the learned Amicus that some matters pertaining to street vendors are pending in the Delhi High Court including *Janodaya Ekta Samiti (Regd) v. Govt. of NCT of Delhi & Ors.* (being W.P. (C) No. 6622/2015) and other connected matters. We make it clear that our order should not be construed to mean that the High Court is precluded from deciding any aspect of the matter pending before it including the rights of the street vendors as canvassed by learned counsel for the petitioner.

The applications are disposed of.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER