

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A.No.394 In I.A.No.356 In W.P.(C) No.1699 of 1987

SUDHIR MADAN & ORS.

...PETITIONER(S)

VERSUS

M.C.D. & ORS.

...RESPONDENT(S)

(For directions)

WITH I.A. NO.366 IN W.P.(C) NO.1699 OF 1987 (FOR DIRECTIONS)

WITH I.A.NO.367 IN W.P.(C) NO.1699 OF 1987 (FOR DIRECTIONS)

WITH CONMT.PET.(C)NO.125 OF 2001

CONMT.PET.(C)NO.126 OF 2001

CONMT.PET.(C)NO.506 OF 2002 (WITH APPLN.(S) FOR EXEMPTION FROM PERSONAL APPEARANCE AND FOR DIRECTIONS/MODIFICATIONS)

I.A.NO.396 IN CONMT.PET(C)NO.506 OF 2002 (FOR IMPLEADMENT)

CONMT.PET.(C)NO.D4984 OF 2003

CONMT.PET.(C)NO.D4985 OF 2003

I.A.NO.361 IN W.P.(C) NO.1699 OF 1987 (FOR DIRECTIONS)

I.A.NO.372-373 IN W.P.(C) NO.1699 OF 1987 (FOR DIRECTIONS)
(ALONGWITH THE RECORD OF CONTEMPT PETITION(C)NO.187 OF 2000)

I.A.NO.389 IN W.P.(C) NO.1699 OF 1987 (FOR DIRECTIONS)
(ALONGWITH RECORD OF I.A.NO.356)

I.A.NO.392 IN W.P.(C)NO.1699 OF 1987 (FOR DIRECTIONS)

I.A.NO..... IN W.P.(C) NO.1699 OF 1987 (FOR INTERIM RELIEF)

WITH W.P.(C)NO.535 OF 2001 (WITH OFFICE REPORT)

CONMT.PET.(C)NO.D15102 OF 2003

W.P.(C)NO.678 OF 2002 (WITH APPLICATION FOR DIRECTION AND OFFICE REPORT)

W.P.(C)NO.240 OF 2004 (WITH APPLN.(S)FOR EX-PARTE STAY AND OFFICE REPORT)

-2-

WITH I.A.NOS.397-398 IN W.P.(C) NO.1699 OF 1987 (FOR DIRECTIONS)

I.A.NO.399 IN I.A.NO.394 IN W.P.(C) NO.1699 OF 1987 (FOR MODIFICATION OF COURT'S ORDER DATED 09.08.2004)

WITH I.A.NOS.1-2 IN W.P.(C) NO.100 OF 2002 (FOR DIRECTIONS AND EXEMPTION FROM FILING O.T.)

I.A.NO...../2005 IN I.A.NO.394 IN IA NO.356 IN W.P.(C)NO.1699 OF 1987 (FOR IMPLEADMENT)

I.A.NO...../2005 IN I.A.NO.394 IN I.A.NO.356 IN W.P.(C)NO.1699 OF 1987 (FOR MODIFICATION)

I.A.NO.400 IN W.P.(C) NO.1699 OF 1987 (FOR DIRECTION)

I.A.NO.401 IN I.A.396 IN C.P.506 OF 2002 (APPLN. FOR MODIFICATION OF ORDER DATED 25.8.2005)

I.A.....IN C.P.506 OF 2002 (FOR DIRECTION/MODIFICATION)

I.A.NO.402 IN W.P.(C) NO.1699 OF 1987 (FOR DIRECTION TO INITIATE PROCEEDINGS UNDER SECTION 340 Cr.P.C.)

WITH S.L.P.(C) NO.7025 OF 2003 (WITH PRAYER FOR INTERIM RELIEF)

WITH SLP(C)NO.20593/2003
(With prayer for interim relief and office report)

WITH SLP(C) NO. 17472 of 2005
(With appln.(s) for exemption from filing C/C of the impugned judgment and permission to place addl. documents on record and office report)

I.As. 200-202 & 205 & 206 & CrI.M.P.No.1148 In C.A.No.560 of 1998
(For directions and permission to file addl. affidavit and impleading party and appln. for initiating appropriate proceedings U/s 340 Cr.P.C. and office report)

S.L.P.(C).....CC NO. 7760 of 2005
(With appln.(s) for C/delay in filing SLP and substitution and office report)

S.L.P.(C)No.17472/2005
(With appln.(s) for exemption from filing C/C of the impugned judgment)

and permission to place addl. documents on record and office report)

Date : 05/05/2006 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH
HON'BLE MR. JUSTICE ALTAMAS KABIR

-3-

For Petitioner(s)

Mr. Tanweer Ahmad, Adv.
Mr. S.S.Bandyopadhyay, Adv.
Mr. Mohan Pandey, Adv.

Mr. S.K. Sinha, Adv.

M/s. Arputham Aruna & Co., Adv.

Ms. Kavita Wadia, Adv.

Mr. S.K.Sinha, Adv.

Mr. M.M. Kashyap, Adv.

Ms.Gouri Karuna Das, Adv.
Ms. Anu Gupta, Adv.
Mr. Rajesh Singh, Adv.
Mr. Sanjay Mani Tripathi, Adv.
Mr. Kamal Kant Tripathi, Adv.
Ms. Rani Jethmalani, Adv.

Mr. K.C.Dua, Adv.

Mr. Subramonium Prasad, Adv.

(I.A.392) Mr. Mohan Pandey, Adv.
(SLP(C)7025/03) Mr. Anil Gupta, Adv.
Mr. S.N.Pandey, Adv.
Mr. C.S.Ashri, Adv.

Mr. Balraj Dewan, Adv.

Mr. Varinder Kumar Sharma, Adv.

Mr. Sudhir Nandrajog, Adv.

Mr. R.K.Maheshwari, Adv.

Ms. Prasanthi Prasad, Adv.
Ms. Padmavathy, Adv.

Ms. Madhu Moolchandani, Adv.

Mr. Mohan Parasaran, ASG
Mr. Sanjiv Sen, Adv.
Mr. Praveen Swarup, Adv.

Mr. Rakesh K. Khanna, Adv.
Dr. Rashmi Khanna, Adv.
Ms. Jahanvi Warah, Adv.
Mr. Surya Kant, Adv.

-4-

Dr. S.K.Verma, Adv.

Mr. Anup Choudhary, Sr.Adv.
Mr. N.K. Sahoo, Adv.
Mr. Pawan Kumar, Adv.
Mrs. Asha G.Nair, Adv.

Mr. P.H.Parekh, Adv.
Mr. Rohit Alex, Adv.
Mr. Rajeev Mishra, Adv.

For Respondent(s)

Mr. Shiv Kumar (A.C.)

For State of
U.P.

Ms. Pareena Swarup, Adv.
Ms. Anil Katiyar, Adv.
Mr. Praveen Swarup, Adv.

Ms. Indra Sawhney, Adv.

Mr. K.K. Mohan, Adv.
Ms. Usha Kumar, Adv.

Mr. Rajan Narain, Adv.

For Delhi
Police

Mr. Gopal Subramaniam, ASG
Ms. Swarupa Reddy, Adv.
Ms. Anil Katiyar, Adv.

Mr. D.S.Mahra, Adv.

Ms. Rani Jethmalani, Adv.

Mr. Surya Kant, Adv.

For U.O.I.

Mr. Gopal Subramaniam, ASG
Mr. Raghu Nath Kapur, Adv.

Ms. Anil Katiyar, Adv.
Mr. Krishan Mahajan, Adv.
Mr. V.K.Verma, Adv.
Ms. Kamini Jaiswal, Adv.
Ms. Shomila Bakshi, Adv.
Mr. Romi, Adv.

Mr. Krishnan Mahajan, Adv.
Ms. Deeksha Mishra, Adv.

-5-

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

The learned Additional Solicitor General has placed before us two affidavits filed before this Court on 12th April, 2006 and 1st May, 2006. We have perused those affidavits and we are of the view that the parties appearing before this Court be called upon to give their valuable suggestions so that scheme for hawkers may be made equitable and just to all. We, therefore, direct Counsel for the M.C.D. and the N.D.M.C. to give their suggestions/schemes to Mr. M.M. Kashyap and other counsel appearing before us.

We also direct the respondent M.C.D. and N.D.M.C. to permanently display at conspicuous places the list of hawking and non hawking zones declared by them so that there is no arbitrariness in the matter.

We further direct the Delhi Police that whenever hawkers are removed from the non hawking zones they shall see to it that those areas are not reoccupied by them. We, hereby declare that every Station House Officer shall be held personally responsible if such hawkers reoccupy the areas from which they have been evicted.

Any non compliance of this Court's Order shall be treated as a breach of this Court's Order and punishable as

contempt of Court. Let a copy of this order be sent to the Commissioner of Police who shall communicate the same to all police stations.

-6-

We wish to clarify that when we use the term unauthorised hawkers or squatters it means those who without valid permission are squatting and hawking in non-hawking zones.

The suggestions may be made by Counsel appearing for the parties concerned before the next date of hearing.

Put up on 21st July, 2006.

We direct that before the next date of hearing all unauthorised permanent or semi permanent structures on foot paths and public pathways are removed. If there are any such structures, they should be removed forthwith.

(Sukhbir Paul Kaur)

(Vijay Dhawan)

Court Master Court Master