

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

I.A. NO.44 OF 2013 AND I.A. NO. 1 OF 2015

IN

WRIT PETITION ( C ) NO. 113 OF 1996

OKHLA ENCLAVE JOINT ACTION COMMITTEE                      ...PETITIONER

VERSUS

UNION OF INDIA AND OTHERS                                      ...RESPONDENTS

I.A. NO. 9 IN W.P. ( C ) NO. 792 OF 1996

I.A. NOS. 8-9, CRL. M.P.        NO./2010 IN I.A. NO. 8,  
I.A. NOS. 10, 13-24, I.A. NOS.1-170 AND I.A. NO. 1 IN  
I.A. NO.58 IN I.A. NOS. 8 AND 9 IN W.P. ( C ) NO. 876 OF  
1996.

W.P. ( C ) NO. 1037 OF 2014

I.A. NO.1/2015 IN W.P. ( C ) NO.2 OF 2015

I.A. NO.2/2015 IN W.P. ( C ) NO.3 OF 2015

I.A. NO.1/2015 IN W.P. ( C ) NO.6 OF 2015

W.P. ( C ) NO.27 OF 2015

I.A. NOS.1-4 IN W.P. ( C ) NO.1064 OF 2014

I.A. NO.11-12/2007 IN W.P. ( C ) NO.477 OF 1996

W.P.(C) No. 122 OF 2015

O R D E R

I.A. NO.13 OF 2014

Mr. V. Giri, learned senior counsel seeks  
permission to withdraw this application in order to  
move the appropriate forum. The prayer is allowed.

I.A. No.13, accordingly, dismissed as withdrawn.

We have heard learned counsel for all the parties including the learned counsel appearing in the writ petitions as also in the other interlocutory applications.

At the very outset, we are not inclined to entertain these writ petitions and interlocutory applications, except Interlocutory Application NOs.8 and 9 in Writ Petition (Civil) No.876 of 1996, and to adjudicate their title in respect of the area where they alleged to have been in occupation. Those writ petitions and interlocutory applications are hereby dismissed.

However, the writ petitioners and the other petitioners who have filed interlocutory applications are given liberty to move the appropriate forum by filing suits/other proceedings for adjudication of their title and possession.

The interim order, if any, passed in these writ petitions and interlocutory applications shall continue to be in force for a period of three months so that they may file applications before the Court where suits or proceedings that may be filed and pray for interim relief.

It is made clear that while hearing the interlocutory applications or passing order, the Court concerned shall not be prejudiced by the orders passed

by this Court. We further direct that the suits or proceedings, if any, that may be filed by these persons shall be decided as expeditiously as possible, preferably within a period of one year.

So far as the interest of the petitioners in IA.Nos. 8 and 9 is concerned, having regard to the orders passed by this Court on 17.7,.2013, 10.7.2014 and 4.8.2014, before we finally adjudicate the matter, we direct the Director General (DG), Town and Country Planning to file a fresh affidavit giving the details of the land available, excluding the land alleged to have been occupied by the encroachers or persons claiming title and also under general category and to state how the persons who have been allotted as far back as in the year 1986 and thereafter shall be accommodated.

It has come from the Bar that it is the builder who is actually involved in the distribution of plots and also alleged to have been committed fraud by transferring the same plot to more than one persons. The builder is, therefore, directed to file an affidavit giving his explanation and also to state as to how the persons interested shall be accommodated in the land.

In so far as those interlocutory applications filed by the persons other than the alleged encroachers

or persons claiming title, they may, if so advised,  
move the High Court for redressal of the grievance.

Put up I.A. Nos. 8 and 9 in Writ Petition (Civil)  
No.876 of 1996 after six weeks.

.....J.  
[M.Y. Eqbal]

.....J.  
[C. Nagappan]

New Delhi  
July 15, 2015

ITEM NO.5

COURT NO.9

SECTION X

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

I.A.NO. 44/2013 AND I.A. NO. 1/2015 in Writ Petition(s) (Civil)  
No(s). 113/1996

OKHLA ENCLAVE JOINT ACTION COMMITTEE

Petitioner(s)

VERSUS

U O I & ORS

Respondent(s)

(for directions and impleadment and office report)

WITH

I.A. No. 9 in W.P.(C) No. 792 of 1996  
(For directions)

I.A. NOS. 8-9, CRL.M.P. No...../2010 in I.A. No. 8, I.A. Nos. 10,  
13-24, I.A. Nos. 1-170 and I.A. No. 1 in I.A. No. 58 in I.A. Nos. 8  
and 9 in W.P.(C) No. 876 of 1996  
(For permission and impleadment and directions and clarification  
and office report)

W.P.(C) No. 1037/2014  
(With appln. For stay)

I.A. No. 1/2015 in W.P.(c) No. 2 of 2015  
(For stay and office report)

I.A. No.2/2015 in W.P.(C) No. 3/2015  
(For stay and office report)

I.A. No.1/2015 in W.P.(C) No. 6/2015  
(With appln.(s) for stay and Office Report)

W.P.(C) No. 27/2015  
(With appln.(s) for stay and Office Report)

I.A. Nos. 1-4 in W.P.(C) No. 1064/2014  
(With appln.(s) for stay and appln.(s) for permission to file  
additional documents and appln.(s) for exemption from filing O.T.  
and Office Report)

I.A. Nos. 11-12/2007 in W.P.(C) No. 477/1996  
(For directions and office report)

W.P.(C) No. 122/2015  
(With appln.(s) for stay and Office Report)

Date : 15/07/2015 These applications and writ petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.Y. EQBAL  
HON'BLE MR. JUSTICE C. NAGAPPAN

Amicus Curiae                      Mr. Raju Ramachandran, Sr.Adv.

For the appearing parties :

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Ms. Jyotika Kalra, Adv.

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Mr. Ankit Gupta, Adv.

Mr. Jitender Hooda, Adv.

For Mr. R.K.S. Yadav, adv.

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

I.A. No.13 of 2014 is dismissed as withdrawn.

All the writ petitions and interlocutory applications  
except Interlocutory application Nos. 8 and 9 in Writ Petition  
(Civil) No. 876 of 1996 are dismissed.

The interim order, if any, passed in these writ  
petitions and interlocutory applications shall continue to be  
in force for a period of three months.

Put up I.A. Nos. 8 and 9 in Writ Petition (Civil) No.  
876 of 1996 after six weeks.

[INDU POKHRIYAL]  
COURT MASTER

[SUKHBIR PAUL KAUR]  
A.R.-CUM-P.S.

(Signed order is placed on the file)