

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

WRIT PETITION(S)(CIVIL) NO(S). 4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

[TO BE TAKEN UP AT 3.00 P.M.] ..... 1)  
I.A. NO. 2768/2016 (APPLN. FOR DIRECTIONS FILED BY A.C.) 2) IA D.  
NO. 153213/2019 (APPLN. FOR DIRECTIONS ON BEHALF OF UNION OF INDIA)  
AND 3) REPORT NOS. 192, 196 AND 197 OF THE MONITORING COMMITTEE AND  
4) IA NOS. 91538 AND 91548/2025 (APPLNS. FOR IMPEADMENT AND  
DIRECTIONS ON BEHALF OF S.M. AGARWAL) IN W.P. (C) NO. 4677/1985  
"ONLY" ARE LISTED & NAMES OF FOLLOWING ADVOCATES MAY BE TREATED TO  
HAVE BEEN SHOWN IN THE LIST : MR. S GURU KRISHNA KUMAR, SR.  
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SWARUP, MR. NISHIT AGRAWAL, MR. CHIRAG M. SHROFF, MR. SURYA KANT,  
MR. DEVANSHU KUMAR DEVESH, MS. ROOH-E-HINA DUA, ADVOCATES MR.  
KAUSHAL YADAV, MS. RAKHI RAY, MR. MANAN VERMA, M/S MITTER AND  
MITTER CO., ADVOCATES

Date : 29-04-2025 This petition was called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE UJJAL BHUYAN

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

I.A. NO. 2768/2016 (APPLN. FOR DIRECTIONS FILED BY A.C.)

1. We have perused the earlier order dated 26<sup>th</sup> March, 2025 passed on this Application. This Application pertains to Shri Sai Kunj Colony which is one of the unauthorised colonies placed at serial no.504 in the list of unauthorised colonies. When the question came of demolition of illegal buildings, on the last date, the Municipal Corporation of Delhi (for short, "the MCD") placed reliance on paragraph 8 of its affidavit which refers to the PM Uday Scheme. We, therefore, directed the MCD to place on record a

copy of the PM Uday Scheme. In terms of the said order, an affidavit dated 24<sup>th</sup> April, 2025 has been filed by the MCD in which it has relied upon the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 (for short, "the 2019 Regulations"). Firstly, we do not find anywhere a reference to any PM Uday Scheme in the 2019 Regulations. Secondly, under Regulation 7 'affluent unauthorised colonies' have been excluded. A list of unauthorised colonies inhabited by affluent sections of society is annexed to the Regulations in which Shri Sai Kunj is at Item No.43. Therefore, these Regulations are not applicable to Shri Sai Kunj colony. The MCD owes an explanation to this Court as to how it relied upon the so-called PM Uday Scheme knowing fully well that the colony is an affluent colony.

2. In the affidavit, it is further stated that a fresh inspection was carried out in the colony and 116 flats out of 126 flats have been found to be illegal. In relation of 116 flats, show cause notices have been issued under Section 343/344 of the Delhi Municipal Corporation Act, 1957. Out of 116 flats, notices have been given to only 28 flats, that also on 15<sup>th</sup> April, 2025. We direct the MCD to issue notices to rest of 88 flats within a maximum period of one week from today. The occupants of some of the flats have filed an objection to the Application filed by the learned Amicus Curiae. However, it is for the occupants to raise appropriate contentions by way of reply to the show cause notice. After giving a reasonable time to file reply to the show cause notices in relation to 116 flats to all concerned parties, an

appropriate order shall be passed by the MCD/Competent Authority within a maximum period of three months from today.

3. Our attention is also invited to the various legislations and regulations by which benefit of regularization is being regularly extended to illegal colonies of affluent people. We can understand some benevolent gesture on the part of the authority in protecting slum dwellers. As rightly pointed out by the learned Amicus Curiae, an effort is being made to regularly come out with new legislations or regulations for regularizing unauthorised colonies of affluent people. This issue needs to be gone into in the present PIL. We, therefore, put the Ministry of Housing and Urban Affairs, Government of India; Delhi Development Authority; the Municipal Corporation of Delhi; and the Delhi Government, to notice that this issue will be taken up by this Court. We direct all the four entities to file their affidavits within a period of two months from today stating why there is an attempt to protect illegal structures of affluent people. A date for hearing shall be fixed after receiving the affidavits.

IA D. NO. 153213/2019 (APPLN. FOR DIRECTIONS ON BEHALF OF UNION OF INDIA)

4. This Application has been filed on 30<sup>th</sup> September, 2019 where the main prayer is for disbanding the Monitoring Committee on the ground that the functions of the Monitoring Committee can be discharged by the Special Task Force constituted under the Delhi Development Act, 1957 and there is a consequential prayer for de-sealing the properties by the Special Task Force. More than four and half years have gone by, therefore, we dispose of this

Application. If the Union of India still wants to claim the reliefs which are claimed in this Application, they are free to do so by filing a fresh application supported by reasons.

**REPORT NO.196**

5. Perused the Report No.196 submitted by the Monitoring Committee. For the sake of continuity, we direct that the services of Shri Nand Kishore Gupta, SSA (Retd.) shall be continued till the end of June 2025. No further extension will be necessary.

**REPORT NOS.192 AND 197**

6. List on 15<sup>th</sup> May, 2025 at 12:00 noon.

**IA NOS. 91538 AND 91548/2025 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF S.M. AGARWAL)**

7. Copies of these Applications be provided to the CEC. After looking into the averments made in these Applications, the CEC will file a report within a period of eight weeks from today.

8. Issue notice, returnable after eight weeks.

9. In the meanwhile, we direct that there shall be no further expansion of the existing cycle track.

(ASHISH KONDLE)  
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)  
COURT MASTER (NSH)