

ITEM NO.58

COURT NO.7

SECTION III-A

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

CONMT.PET.(C) No. 595/2025 in C.A. No. 14604/2024

BIMALENDU PRADHAN

Petitioner(s)

VERSUS

STATE OF ODISHA

Respondent(s)

[ ONLY CONMT.PET.(C) No. 877/2025 in C.A. No. 14604/2024 IS LISTED UNDER THIS ITEM ]...[ TO BE TAKEN UP AT 10:30 A.M. AS FIRST MATTER ON BOARD ]

WITH

CONMT.PET.(C) No. 877/2025 in C.A. No. 14604/2024 (III-A)  
(FOR INTERVENTION APPLICATION ON IA 13767/2026,,FOR APPLICATION FOR PERMISSION ON IA 13768/2026,FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 13769/2026 FOR EXEMPTION FROM FILING O.T. ON IA 13770/2026 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 92488/2026 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 93584/2026 FOR EXEMPTION FROM FILING O.T. ON IA 93586/2026, IA No. 13768/2026 - APPLICATION FOR PERMISSION, IA No. 13769/2026 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 93586/2026 - EXEMPTION FROM FILING O.T.  
IA No. 13770/2026 - EXEMPTION FROM FILING O.T., IA No. 13767/2026 - INTERVENTION APPLICATION, IA No. 93584/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No. 92488/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 02-04-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) : Mr. Karan Verma, AOR

Mr. Tushar Jain, AOR  
Mr. Pradul Singhal, Adv.  
Ms. Kanika Gupta, Adv.

For Intervenors: Mr. Kanhaiya Singhal, AOR  
Ms. Bhavishya Makhija, Adv.  
Ms. Satakshi Singh, Adv.  
Mr. Naval Goel, Adv.  
Mr. Sarthak Gupta, Adv.

For Respondent(s) : Ms. Mithu Jain, AOR

Mr. Rajiv Shakdher, Sr. Adv.  
Ms. Aishwarya Bhati, A.S.G.  
Mr. P.n. Misra, Adv.  
Mr. Abhishek Kumar Singh, AOR  
Mr. Kamendra Mishra, Adv.  
Mr. Abhinav Jaganathan, Adv.  
Mr. Ruchir Ranjan Rai, Adv.

Mr. Shaurya Sahay, AOR  
Mr. Aman Jaiswal, Adv.  
Ms. Sharvi Sharma, Adv.  
Mr. Ashish Singh, Adv.

M/S. Krishna & Nishani Law Chambers, AOR

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

CONMT.PET.(C) No. 877/2025 in C.A. No. 14604/2024

1. Our order dated 27.01.2026 speaks for itself. The same *inter-alia* reads thus:-

" xxx xxx xxx

Item No.54.1 CONMT.PET.(C) No. 877/2025 in C.A. No. 14604/2024

1. Heard Mr.Tushar Jain, the learned counsel appearing for the contempt petitioner(s), Mr. R. Venkataramani,

the learned Attorney General for India appearing for the Parishad and Mr. Purvish Malkan, the learned senior counsel appearing for the intervenor(s).

2. Our final directions issued in the judgment rendered on 17.12.2024 in Civil Appeal No.14604 of 2024 reads thus:-

"21. Therefore, in the larger public interest, we are inclined to issue the following directions, in addition to the directives issued by this Court in Re: Directions in the matter of demolition of structures (supra):

(i) While issuing the building Mr. Rajiv Shakhdar planning permission, an undertaking be obtained from the builder/applicant, as the case may be, to the effect that possession of the building will be entrusted and/or handed over to the owners/beneficiaries only after obtaining completion/occupation certificate from the authorities concerned.

(ii) The builder/developer/owner shall cause to be displayed at the construction site, a copy of the Mr. Rajiv Shakhdar approved plan during the entire period of construction and the authorities concerned shall inspect the premises periodically and maintain a record of such inspection in their official records.

(iii) Upon conducting personal inspection and being satisfied that the building is constructed in accordance with the building planning permission given and there is no deviation in such construction in any manner, the completion/occupation certificate in respect of residential / commercial building, be issued by the authority concerned to the parties concerned, without causing undue delay. If any deviation is noticed, action must be taken in accordance with the Act and the process of issuance of completion/occupation certificate should be deferred, unless and until the deviations pointed out are completely rectified.

(iv) All the necessary service connections, such as, Electricity, water supply, sewerage connection, etc., shall be given by the service provider /Board to the buildings only after the production of the completion/occupation certificate.

(v) Even after issuance of completion certificate,

deviation / violation if any contrary to the planning permission brought to the notice of the authority immediate steps be taken by the said authority concerned, in accordance with law, against the builder / owner / occupant; and the official, who is responsible for issuance of wrongful completion /occupation certificate shall be proceeded departmentally forthwith.

(vi) No permission /licence to conduct any business/trade must be given by any authorities including local bodies of Stat Mr. Rajiv Shakhdares/Union Territories in any unauthorized building irrespective of it being residential or commercial building.

(vii) The development must be in conformity with the zonal plan and usage. Any modification to such zonal plan and usage must be taken by strictly following the rules in place and in consideration of the larger public interest and the impact on the environment.

(viii) Whenever any request is made by the respective authority under the planning department/local body for co-operation from another department to take action against any unauthorized construction, the latter shall render immediate assistance and co-operation and any delay or dereliction would be viewed seriously. The States/UT must also take disciplinary action against the erring officials once it is brought to their knowledge.

(ix) In the event of any application / appeal / revision being filed by the owner or builder against the non-issuance of completion certificate or for regularisation of unauthorised construction or rectification of deviation etc., the same shall be disposed of by the authority concerned, including the pending appeals / revisions, as expeditiously as possible, in any event not later than 90 days as statutorily provided.

(x) If the authorities strictly adhere to the earlier directions issued by this court and those being passed today, they would have deterrent effect and the quantum of litigation before the Tribunal / Courts relating to house / building constructions would come down drastically. Hence, necessary instructions should be issued by all the State/UT Governments in the form of Circular to all concerned with a warning that all directions must be

scrupulously followed and failure to do so will be viewed seriously, with departmental action being initiated against the erring officials as per law.

(xi) Banks / financial institutions shall sanction loan against any building as a security only after verifying the completion/occupation certificate issued to a building on production of the same by the parties concerned.

(xii) The violation of any of the directions would lead to initiation of contempt proceedings in addition to the prosecution under the respective laws.

22. As far as the present case is concerned, we pass the following orders:

(i) The order of the High Court shall stand confirmed.

(ii) The appellants are directed to vacate and handover the vacant premises to the respondent authorities within a period of three months from the date of receipt of a copy of this judgment.

(iii) On such surrender, the respondent authorities shall take steps to demolish the unauthorised construction made on the subject property, within a period of two weeks therefrom.

(iv) All the authorities shall provide necessary assistance to the Respondent No.1 to execute the order of the High Court in its letter and spirit.

(v) Appropriate criminal as well as departmental action shall be taken against the erring officials / persons concerned in line with the order of the High Court and a report shall be filed before this Court.

(vi) The amount deposited by the appellants in SLP (C) No. 36440 of 2014 be refunded to them, along with accrued interest."

3. The directions issued have been made applicable to Pan India.

4. It appears, as pointed out by the learned Attorney General that the directions have been duly complied

*with in part. However, many unauthorised structures still remain to be demolished. No action could taken as few representation have been received for the purpose of regularisation, etc. In such circumstances, those unauthorised structures have not been touched till this date.*

*5. If that be so, then the authority concerned prima facie is in contempt.*

*6. We have made ourselves very clear that each and every unauthorised construction has to be demolished.*

*7. We want the Uttar Pradesh Awas Evam Vikas Parishad and others to place on record a detailed and composite report about the action they have taken so far in pursuance of the directions issued by this Court, referred to above.*

*8. One copy of the said report shall be served well in advance to the learned counsel appearing for the contempt petitioner(s).*

*9. Put it after six weeks.*

Xxx      xxx      xxx"

2. This matter was heard yesterday. The learned counsel appearing for the petitioner brought to our notice that no action has been taken at the end of the Uttar Pradesh Awas Evam Vikas Parishad insofar as demolition of the unauthorised structures is concerned.

3. In such circumstances, referred to above, we directed that the Chairperson of the Uttar Pradesh Awas Evam Vikas Parishad shall personally remain present today before this Court.

4. In pursuance of our directions, Mr. P.Guruprasad, the

Chairperson of Uttar Pradesh Awas Evam Vikas Parishad (for short, "the Parishad"), is personally present.

5. Mr. Rajiv Shakhder, the learned senior counsel has appeared on behalf of the respondent no.10, i.e, the Chairperson of the Parishad. Ms. Aishwarya Bhati, the learned A.S.G., has appeared today on behalf of the State of U.P.

6. A status report has been produced today, duly affirmed by Mr. P.Guruprasad. We looked into the status report. We are sorry to say that it is nothing but an absolute eyewash.

7. We may incorporate Paragraph 12 of the report. The same reads thus:-

<b>S. No.</b>	<b>Particulars</b>	<b>Property</b>
<b>1.</b>	<b>Total remaining properties</b>	<b>860</b>
<b>2.</b>	<b>Subject Property (Plot no. 661/6)</b>	<b>1</b>
<b>3.</b>	<b>Properties where commercial use is discontinued on residential premises</b>	<b>144/860</b>
<b>4.</b>	<b>Properties where owners have agreed to discontinue commercial use on their residential premises</b>	<b>215/860</b>
<b>5.</b>	<b>Remaining properties [1 - (2+3)]</b>	<b>501/860</b>
<b>6.</b>	<b>Owners who have applied for land use conversion in remaining properties</b>	<b>250/500</b>
<b>7.</b>	<b>Remaining properties</b>	<b>250/500</b>

8. The information furnished as contained in Paragraph 12 indicates that there are 860 properties which have been identified to be unauthorised.

9. All that the Parishad has done so far is to remove one solitary unauthorised construction which was standing on Plot No. 661/6.

10. All that the status report tries to convey is that steps have been taken to ensure that residential premises are not being used for commercial purposes.

11. It appears that many of the occupants have now started applying for conversion of the use of the property. However, the fact remains, and as admitted by the Chairperson himself, that all these constructions are unauthorised. What is most disturbing in the Status Report is Paragraph 15. Paragraph 15 reads thus:-

*"15. That it is respectfully submitted that the Housing Board has no concern whatsoever with the order dated 27-10-2025 passed by the Commissioner, Meerut Division, Meerut whereby it was directed that no further demolition of shops be carried out in the Central Market area and the shops would be granted "market street" status through a proposed amendment to the Master Plan.*

*It is further submitted that the said communication is not binding upon the Housing Board, being contrary to the applicable statutory provisions and the directions of this Hon'ble Court."*

12. We are very much disturbed by what the Commissioner, Meerut Division, Meerut did by passing the order dated 27.10.2025.

13. In view of the aforesaid, we would like to give one last opportunity to the respondent no.10 to file a comprehensive and detailed affidavit highlighting what has been done so far with a concrete action plan he proposes to go forward and by what period of time he would ensure that each and every unauthorised construction is demolished.

14. Let such affidavit be filed on or before 04.04.2026. One copy of the same shall be furnished at the earliest to the learned counsel appearing for the petitioner(s). We will hear this matter further on 06.04.2026.

15. Mr. P.Guruprasad shall once again remain personally present before this Court on 06.04.2026 sharp at 10.30 A.M.

16. We direct Mr. Rishikesh Bhaskar Yashod, the former Commissioner, Meerut Division, Meerut, also to remain personally present before this court on the next date of hearing.

17. The affidavit that may now be filed by Mr. P.Guruprasad should take care of the following:-

- (1) Whether the sanctioned plan was in accordance with law?

(ii) Whether the buildings were in accordance with the sanctioned plan?

18. We want specific details as to how many structures are in accordance with the sanctioned plan.

19. Notify this matter as item No.1 on 06.04.2026 along with Diary No. 7071 of 2026.

(CHANDRESH)  
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)  
COURT MASTER (NSH)

(Status report on behalf of Respondent no.10 in original furnished in the Court is annexed along with ROP)