

SUPREME COURT OF INDIA

Okhla Enclave Plot Holders Wel. Assn.

Vs.

Union of India

(K.S.Radhakrishnan and Dipak Misra JJ.)

17.07.2013

ORDER

Heard learned counsel on either sides at length. When the matter came up for hearing on 9.7.2013, in order to give a quietus to the entire dispute, we felt it appropriate that all the parties and their counsel meet together and file a Consensus Memo/Common Note latest by 11.7.2013.

Following the said order, an undated Memo of Submissions signed by Shri Piyush Sharma (for Okhla Enclave Plot Holders Welfare Association) and Shri P. Narasimhan (for Durga Builder Plot Holder Association) was submitted on 9.7.2013, jointly praying for the following directions:

1. DGT&CP Haryana be directed to take over the available licensed area as indicated in his affidavit and retain it in his custody to facilitate the process of allotment till further orders. He shall be responsible for watch and ward, care and custody of this property and will be its custodian till the dispute is resolved.
2. DGTPC Haryana may be directed to take steps thereafter to finalize a final list of claimants taking in regard the exercise already undertaken by him, pursuant to this Court's direction dated 22.4.2013 the identification/determination of 2196 entitlements by the Ld. Court Commissioner, besides 844 persons by DGTCPC under the Order of Hon'ble Punjab & Haryana High Court for inclusion in the entitlement list. While doing so he (DGT&CP) be required to scrutinize the already prepared list of claimants to remove duplication if any in Commissioner's report and his own list and then proceed to prepare a final list of claimants based on the available record for submission to the Court.

3. As regards left out 532 members of Durga Plot Holders Welfare Association (IA 11 & 12), whose claim was not considered or rejected by the Director Town & Country Planning but whose appeal/writ against this is pending in the Punjab & Haryana High Court in WP (C) 368/2005, it may be directed that they would withdraw that Writ Petition from the Punjab & Haryana High Court subject to the condition that Director General would consider their claim afresh after allowing them to furnish proof in support and pass appropriate orders uninfluenced by his earlier decision. Whoever is found entitled from amongst those shall be enlisted in the final list. A similar exercise shall be undertaken by him in respect of applicants in IAs before this Court filed after IAs 8 & 9.

4. The DGT&CP may also be directed that after going through this process and after looking at the emerging picture if he finds that available plots (category-wise) in two categories of EWS and NPWL are sufficient to meet the requirement of finalized claimants he shall submit a draft allotment list to the Court. In case he finds any deficiencies of plots he shall direct the builder to make it good from his "General" category area as stated by his counsel Mr. Sarbjeet Sharma on his instructions before the Court on 9.7.2013.

5. The Director General may also be directed to exercise his statutory power under the Haryana Development & Regulation of Urban Areas Act 1975 to take steps to ensure that internal development of the licensed area is completed within 3 (three) months and also to explore in exercise of such powers to undo any encroachment on 766 plots.

6. That it may be further directed that any proceedings in any Court on the subject matter shall stay and remain in abeyance to facilitate the resolution of the dispute and that no further proceedings shall also be entertained by any Court on the subject matter till further orders from this Court."

To ascertain as to whether the directions sought for are acceptable to all the parties, we are inclined to post the matter on 18.7.2013. Ordered accordingly.