

ITEM No.24

Court No. 5

SECTION IX

864027

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Civil Appeal No.4156-4157/2002

MAHARASHTRA EKTA HAWKERS UNION & ANR.

Appellant (s)

VERSUS

MUNICIPAL CORPORATION, GREATER MUMBAI & ORS

Respondent (s)

( With appln. for intervention and permission to submit additional document(s) and modification of Court's Order and Judgment dated 09.12.2003 and directions and clarification of Court's Order and accepting English translation and modification/clarification of Court's Order dated 09.12.2003 and permission to file affidavit and modification of Court's Order dated 30.07.2004 and clarification/directions of Court's Order dated 30.07.2004 and impleadment/intervention and permission to file affidavit for the purpose of replying to the reports and exemption from filing O.T. )  
WITH I.A. Nos. 110-111 (Appln. for direction) and I.A.Nos. 112-112 (Appln. for stay)

With

C.A.No.4158-4159/2002

C.A.No.4161-4162/2002

( With appln. for permission to file additional documents )

C.A.No.4163-4164/2002

( With appln. for directions and modification/clarification and permission to file addl. documents )

C.A.No.4160/2002

C.A.No.4170-4171/2002

C.A.No.4167-4169/2002

( With appln. for intervention )

With I.A. Nos. 15-17 (Appln. for intervention)

C.A.No.4165-4166/2002

C.A.No.4175-4176/2002

( With appln. for permission to file rejoinder affidavit and permission to file additional documents and directions and permission to file list of hawkers )

Certified to the true copy

Assistant Registrar (Judl.)

Supreme Court of India

C.A.No.4179-4180/2002

C.A.No.4172-4174/2002  
( With appln. for directions )

CONMT.PET. (Civil)No.195-196/2001

C.A.No.4178/2002

C.A.No.4177/2002

C.A.No.9661/2003

C.A.No.9662/2003

C.A.No.9663-9666/2003  
( With prayer for interim relief and office report )

C.A.No.9667/2003  
( With appln. for clarification/modification of Court's Order  
and intervention and office report )

CONMT.PET. (Civil)No.456-458/2002

Date : 01/04/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA  
HON'BLE MR. JUSTICE H.K. SEMA

For Appellant (s)  
In CAs 4156-57/02,  
4161-62/02,  
4163-4164/02,  
4175-4176/02,  
4172-4174/02,  
CP 195-196/01,  
CA 4178/02 &  
4177/02

Mr. Sushil Kumar Jain, Adv.  
Mr. H.D.Tharvi, Adv.

IA No.81-82/05 in  
in CA 4156-57/02 &  
for Appellants in  
CA 4158-4159/02

Mr. Shekhar Waghade, Sr. Adv.  
Mr. Shivaji M. Jadhav, Adv.  
Mr. Himanshu Gupta, Adv.  
Mr. Brij Sah, Adv.

For Appellant in  
CA 4160/2002

Mr. M.K.Shroff, Adv.

10 CA 4179-4181/02

Mr. Shakil Ahmed Syed, Adv.

in CA 4167-4169/02	Mr. Vijay Hansaria, Sr. Adv. Mr. P.I. Jose, Adv. Mr. Anupam Mishra, Adv. Mr. Jenis, Adv.
in CA 4165-4166/02	Mr. V.N. Ganpule, Sr. Adv. Mr. Ashok Kumar Singh, Adv. Mr. Sapan Biswajit Meitei, Adv.
in CA 4179-4180/02	Mr. Anand Grover, Adv. Mr. Bharat Sangal, Adv. Ms. Sangeeta Panicker, Adv. Mr. R.R. Kumar, Adv. Mr. Sanyadip Chatterji, Adv.
in CA 9662/2003	Mr. Sushil Karanjkar, Adv. Mr. Abhay Thorat, Adv. Mr. Venkateswara Rao Anumolu, Adv.
in CA 9663-9666/03	Mr. Vimal Chandra S. Dave, Adv.
in CA 9667/2003	Mr. Dinesh C. Shah, Adv. Mr. Vijay Kumar, Adv. Mr. Ashwani Garg, Adv.
In CA 9661/2003 & in CP 456-458/02	Mr. Sunil Kumar Jain, Adv.
For Respondent (s)	Mr. G.E. Vahanvati, SG Mr. Bhimrao N. Naik, Sr. Adv. Mr. D.N. Mishra, Adv. Mr. Pallav Shishodia, Adv. Mr. S.H. Ujjainwala, Adv. Mr. M.V. Patil, Adv.
For State of Maharashtra	Mr. S.S. Shinde, Adv. Mr. Mukesh K. Giri, Adv.  Mr. R.S. Dhull, Adv. Mr. Debasis Misra, Adv.  Mr. Vijay Panjwani, Adv. Mr. P.P. Khurana, Adv. Mr. V.K. Verma, Adv.  Mr. V.N. Raghupathy, Adv. Mr. Rajeew Panday, Adv. Mr. Sushil K. Tekriwal, Adv.  Mr. Ruby Singh Ahuja, Adv.  Mr. V.N. Ganpule, Sr. Adv. Mr. Ashok Kumar Singh, Adv. Mr. Sapan Biswajit Meitei, Adv.

Mr. Sudhir Nandrajog, Adv.

Mr. P.Parneswaran, Adv.

Mr. Rohan Thawani, Adv.  
Mr. Joseph Pookkatt, Adv.  
Mr. Prashant Kumar, Adv.

Ms. Pratibha Jain, Adv.

Mr. K.K. Singhvi, Sr. Adv.  
Mr. Susheel Mahadeshwar, Adv.  
Mr. Uday B. Dube, Adv.  
Mr. Kuldip Singh, Adv.

Ms. Hema Sahu, Adv.  
Mr. C.L. Sahu, Adv.  
Mr. R.D. Rathore, Adv.  
Dr. Kailash Chand, Adv.

Mr. Dinesh C. Shah, Adv.  
Mr. Vijay Kumar, Adv.  
Mr. Ashwani Garg, Adv.

Mr. Colin Gonsalves, Sr. Adv.  
Ms. Aparna Bhat, Adv.  
Mr. P. Ramesh Kumar, Adv.

Mr. K. Rajeev, Adv.

Mr. J.F. Pochkhanawalla, Sr. Adv.  
Mr. Shri Narain, Adv.  
Mr. Sandeep Narain, Adv.  
Ms. Anjali Jha, Adv. for  
M/s. S. Narain & Co.

Mr. Anand Grover, Adv.  
Mr. Bharat Sangal, Adv.  
Ms. Sangeeta Pasnickar, Adv.  
Mr. R.R. Kumar, Adv.  
Mr. Sanyadip Chatterji, Adv.

Ms. Nandini Gore, Adv.

Mr. Samist Mistry, Adv.  
Mr. Senthil Jagadeesan, Adv.  
Mr. V. Ramasubramanian, Adv.

Mr. Shyam Diwan, Adv.  
Ms. Madhavi Diwan, Adv.  
Mr. Pradeep Kumar Bakshi, Adv. \*

Mr. S.V. Deshpande, Adv.

Mr. Satyajit Saha, Adv.  
Mrs. V.D. Khanna, Adv.

Mr. Shivaji M. Jadhav, Adv.  
Mr. Himanshu Gupta, Adv.  
Mr. Brij Kishore Sah, Adv.

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

Municipal Corporation of Greater Bombay have supplied the  
names and addresses of six following officers:-

1. Shri Suresh Mahadev Kapile,  
21/175, Unnat Nagar, M.G. Road,  
Goregaon, Mumbai-400 064
2. Shri Ramaswami Unnarappa Gauda,  
Sumangal Co-op. Hsg. Society  
Room No. 1, Dindayal Cross Road,  
Dombivali (West) Distt. Thane.
3. Shri Dinbandhu Maurya,  
2/203, Asav Palav,  
Kasturi Park, Navghar Road,  
Bhaindar (East), Distt. Thane
4. Shri Vasant Tukra Sallian,  
Queens Mansion, 4<sup>th</sup> Floor,  
Room No. 18, Bldg. No. 44,  
Amrut Keshav Marg,  
Fort, Mumbai-400 001.
5. Shri Shakil Abemad Mohassin Shaikh,  
Dr. Zakir Hussain Nagar Zopadpatti,  
Mankhurd Link Road,  
Mumbai-400 043
6. Shri Narendra Kashinath Nirgudkar,  
Parijat Society, New Mhada Complex,  
Bldg. No. 19 A, Room No. 4,  
Borivali (East), Mumbai-400 066.

ice to issue notice to them as to why action in contempt  
uld not be taken against them for instigating hawkers to act

against Orders passed by this Court and for preventing implementation of the scheme framed by this Court.

The Police is directed to give full and complete protection to the Municipal staff as and when they go to clear the hawkers as per the directions of this Court. It will be the duty of the Commissioner of Police, Greater Bombay to see that such protection is given. The Police Commissioner shall also ensure that there is regular patrolling to ensure that once the hawkers are removed from a particular place, they do not come back to that place.

It appears that apart from a sum of Rs. 3,000/- provided for in our Order in the case of Maharashtra Ekta Hawkers Union & Anr. vs. Municipal Corporation, Greater Mumbai & Ors. reported in (2004) 1 SCC 625, the Committee is demanding a further sum of Rs. 1,500/- from citizens' group or others who appear either to support or to object to the proposals being considered by the Committee. It is clarified that the Committee will not be entitled to charge any further or other amount from such persons or groups. All that the Chairman of Committee will be entitled to is the sum of Rs. 3,000/- as provided in our above said Order.

The Committee must also work out a procedure by which the dates of hearing are made known to the public and the result or their decision is also made known to all parties particularly

those who had participated before the Committee.

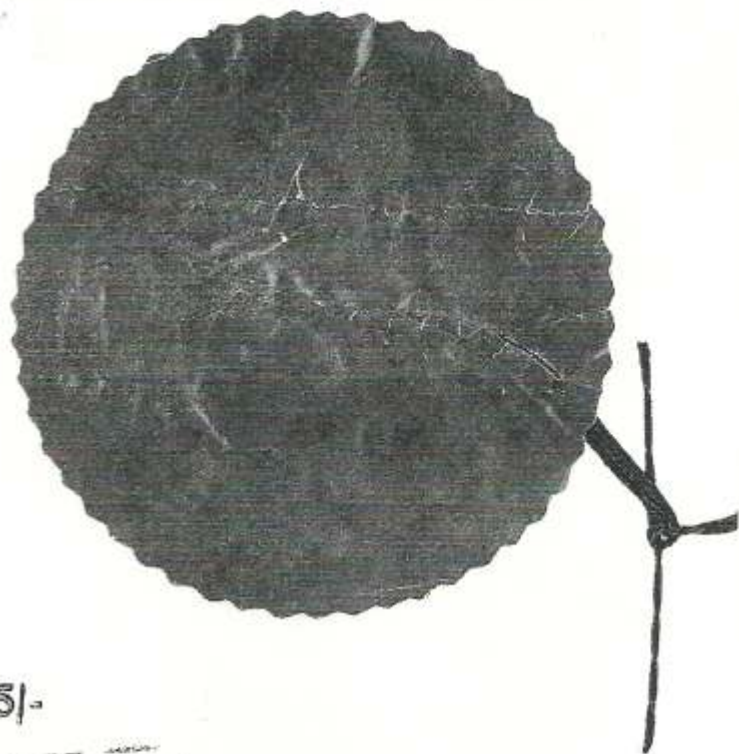
List on 26<sup>th</sup> July, 2005.

Copies of all the reports which have been received by this Court to be given to all parties who apply for the same.

Anita

*Jasbir Singh*  
(Jasbir Singh)  
Court Master

*1/14*



URGENT FEE Rs. 5/-

**SUPREME COURT OF INDIA**  
 Certified copy issued in

Matter No. C.A No - 4156 A/2/2  
 Maharashtra RTI H. V. Jain  
 (1)

Brief Cause title MUNI. corp., Greater Mumbai -

M-10654

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