

ITEM NO.4

COURT NO.1

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

CIVIL APPEAL NO(S). 1867/2006

MALIK MAZHAR SULTAN & ANR.

APPELLANT(S)

VERSUS

U.P. PUBLIC SERVICE COMMISSION
THROUGH ITS SECRETARY & ORS.

RESPONDENT(S)

[IA 152/2016-APPLN. FOR DIRECTIONS,
IA 153/2017-APPLN. FOR PERMISSION FOR VARIATION IN TIME ,
IA 77756/2017- APPLN. FOR INTERVENTION
IA 117790/2017-APPLN. FOR APPROPRIATE ORDERS/DIRECTION,
IA 70324/2018-EXTENSION OF TIME
IA 70330/2018-EXTENSION OF TIME]

WITH

SMW(C) NO. 1/2017 (PIL-W)

SMW(C) NO. 2/2018 (PIL-W)

(MR. SHYAM DIVAN, SR. ADV., MR. K.V. VISHWANATHAN, SR. ADV., MR. VIJAY HANSARIA, SR. ADV. AND MR. GAURAV AGRAWAL, ADV. RESPECTIVELY HAVE BEEN APPOINTED AS AMICUS CURIAE IN THE INSTANT MATTER)
[ISSUE TO BE HEARD ON 12.12.2018: GOVT OF NCT OF DELHI & HIGH COURT OF DELHI)

Date : 12-12-2018 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

AMICUS CURIAE

State Of U.P.,
Maharashtra, Goa W.B.
Chhattisgarh, Delhi
N.E.States (excluding
Tripura)

Mr. Shyam Divan, Sr. Adv.
Mr. Udayaditya Banerjee, Adv.

Gujarat, H.P.,
J&K, Jharkhand,
Karnataka, Kerala

Mr. K.V. Vishwanathan, Sr. Adv.
Mr. Ravi Raghunath, Adv.
Mr. Mukunda Rao, Adv.
Mr. Dhananjay Ray, Adv.
Ms. Vrinda Bhandari, Adv.

M.P., Odisha, Patna,
Punjab & Haryana

Mr. Vijay Hansaria, Sr. Adv.
Mr. Avnish Pandey, Adv.
Ms. Sneha Kalita, Adv.

Rajasthan, Sikkim,
Telangana, A.P.,
Tripura, Uttarakhand

Mr. Gaurav Agrawal, Adv.

SMW© 1/17

Mr. Arvind P. Datar, Sr. Adv.(AC)
Ms. Remya Raj, Adv.

For Parties :

Delhi High Court

Mr. Raju Ramachandran, Sr. Adv.
Mr. Naveen R. Nath, Adv.
Mr. Rahul Jain, Adv.
Mr. K. Parameshwar, Adv.
Mr. M.V. Mukunda, Adv.
Ms. Hamsini Shankar, Adv.
Mr. Ishwar Mohanty, Adv.

GNCTD

Mr. Chirag M. Shroff, Adv.
Ms. Neha Sangwan, Adv.

GNCTD

Mr. Chirag M. Shroff, Adv.
Ms. Neha Sangwan, Adv.
Mrs. Mahima C. Shroff, Adv.

Mr. Aman Lekhi, ASG
Mr. R. Balasubramanian, Adv.
Ms. Swarupama Chaturvedi, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mrs. Binu Tamta, Adv.
Ms. Aishwarya Bhati, Adv.
Mr. A.K. Sharma, AOR
Mr. B.V. Balaram Das, AOR

**M/o Law & Justice &
GNCT of Delhi**

Mr. Tushar Mehta, SG
Mr. S. Wasim A. Qadri, Adv.
Mr. R. Balasubramaniam, Adv.
Ms. Binu Tamta, Adv.
Ms. Swarupama Chaturvedi, Adv.
Mr. A.K. Sharma, AOR
Mr. B.V. Balramdas, AOR

Gauhati High Court

Ms. Sneha Kalita, AOR

Calcutta High Court

Mr. Soumya Chakraborty, Sr. Adv.
Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Saurav Gupta, Adv.

Mr. Arjun Garg, AOR

Mr. Ankur Yadav, AOR

Mr. Vivek Singh, AOR

Patna High Court

For M/s. Parekh & Co., AOR

State of W.B.

Mr. Suhaan Mukerji, Adv.
Ms. Astha Sharma, Adv.
Mr. Amit Verma, Adv.
Mr. Abhishek Manchanda, Adv.
Ms. Kajal Dalal, Adv.
Ms. Dimple Nagpal, Adv.
M/s. P.L.R. Chamber & Co., AOR

Mr. R.N. Venjramni, Sr. Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. S.K. Rajora, Adv.
Mr. T.V. George, AOR.

Mr. Krishan Kumar Pandey, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr./Ms. Manisha Kumar Mishra, Adv.
For Mr. Mohan Pandey, Adv.

State of Sikkim & HC of Sikkim	Mr. A. Mariarputham, Adv.Genl. Ms. Aruna Mathur, Adv. Mr. Avneesh Arputham, Adv. Ms. Anuradha Arputham, Adv. Ms. Geetanjali, Adv. M/S. Arputham Aruna And Co, AOR
State of Goa	Ms. Manisha Ambwani, AOR.
Manipur High Court	Ms. Sneha Kalita, AOR
Orissa High Court	Mr. Sibho Sankar Misra, AOR
State of U.P.	Mr. Rajan Kumar Chourasia, Adv. Mr. Ajay Kumar Pandey, Adv. Mr. Sandeep Singh, Adv. Mr. Sanjay Kr. Tyagi, AOR
State of Haryana	Mr. Sanjay Kr. Visen, AOR
Meghalya High Court	Mr. Sanjai Kumar Pathak, AOR Ms. Shashi Pathak, Adv. Mr. Arvind Kumar Pathak, Adv.
Jharkhand High Court	Mr. Krishnanand Pandey, AOR
UPPSC	Mr. Shrish Kr. Misra, AOR
State of Jharkhand	Mr. Gopal Prasad, AOR. Mr. S.K. Singh, Adv.
State of Jharkhand	Mr. Jayesh Gaurav, Adv. Mr. Gopal Prasad, AOR
State of Uttrakhand	Ms. Rachana Srivastva, AOR Ms. Monika, Adv.
State of Bihar	Mr. Abhinav Mukerji, AOR. Ms. Purnima Krishna, Adv.
Chhattisgarh High Court	Mr. Apoorv Kurup, AOR Mr. G. Kaushal, Adv.

State & HC of Karnataka	Mr. V.N. Raghupathy, AOR Mr. Prakash Jadhav, Adv.
State of Assam	Mr. Shuvodeep Roy, AOR
State of Tripura	Mr. Shuvodeep Roy, AOR Mr. Rituraj Biswas, Adv.
State of Odisha	Mr. Shibashish Misra, AOR
State of Manipur	Mr. Leishangthem Roshmani, AOR Ms. Maibam Babina, Adv. Ms. Anupama Ngangom, Adv.
State of H.P.	Mr. Vikas Mahajan, AAG Mr. vinod Sharma, AOR Mr. Anil Kumar, Adv.
Uttarakhand HC	Mr. Mukesh K. Giri, Adv.
State of T.N.	Mr. M. Yogesh Kanna, AOR Mr. Raja Rajeshwaran, Adv.
J & K High Court	Mr. Bharat Sangal, AOR
U.T. of Chandigarh	Mr. Ankit Goel, AOR
State of A.P.	Mr. Guntur Prabhakar, AOR Ms. Prerna Singh, Adv.
State of Jharkhand	Mr. Anil K. Jha, AOR
BPSC & Sikkim High Court	Ms. Anupama Sharma, Adv. Mr. Vishnu Sharma, AOR. Ms. Rangoli Seth, Adv.
State of Meghalaya	Mr. Avijit Mani Tripathi, AOR
State of Meghalaya	Mr. Ranjan Mukherjee, AOR Mr. K.V. Kharlyngdoh, Adv. Mr. Daniel Stone Lyngdoh, Adv
State of Nagaland	Ms. K. Enatoli Sema, AOR Mr. Amit Kumar Singh, Adv.

U.T. of Andaman & Nicobar Admn.	Mr. K.V. Jagdishvaran, Adv. Ms. G. Indira, AOR
State of Jharkhand	Mr. Tapesk Kumar Singh, Adv. Mr. Kumar Anurag Singh, Adv. Mr. Aditya Pratap Singh, Adv. Mr. Vivek Singh, AOR
State of J&K	Mr. M. Shoeb Alam, AOR Mr. Ujjwal Singh, Adv. Mr. Mojahid Karim Khan, Adv.
State of Haryana	Mr. Alok Sangwan, AAG Dr. Monika Gusain, AOR
Guhati High Court	Mr. P.I. Jose, AOR Ms. P.S. Chandralekha, Adv.
State of Punjab	Mr. Karan Bharihoke, AOR Mr. Kaushal Narayan Mishra, Adv. Mr. Siddant Sharma, Adv. Ms. Navkiran Bolay, Adv.
State of Arunachal Pradesh	Mr. Anil Shrivastav, AOR Mr. Rituraj Biswas, Adv. Mr. Satyendra Kumar Srivastav, Adv.
State of Gujarat	Ms. Hemantika Wahi, AOR Ms. Jesal Wahi, Adv. Ms. Vishakha, Adv. Ms. Parul Luthra, Adv.
State of Telangana	Mr. S. Udaya Kumar Sagar, Adv. Mr. Mritunjai Singh, Adv.
State of Rajastahan	Mr. Amit Sharma, Adv. Mr. Ankit Raj, Adv. Ms. Nidhi Jaswal, Adv. Ms. Ruchi Kohli, AOR
State of Arunachal Pradesh	Mr. A. Tewari, Adv. Ms. Eliza bar, Adv. Mr. Shreepal Singh, AOR. Mr. Riju Mani Talukdar, Adv.

Govt. of Puducherry	Mr. V.G. Pragasam, AOR. Mr. S.Prabu Ramasubramanian, Adv. Mr. S. Manuraj, Adv.
State of Bihar	Ms. Abha R. Sharma, AOR Mr. D.S. Parmar, Adv. Ms. Sujeeta Srivastava, Adv.
Rajasthan High Court	Mr. Sunil K. Jain, AOR Mr. Punya Garg, Adv. Mr. Abhishek Jain, Adv.
State of Kerala	Mr. C.K. Sasi, AOR
State of Chhatisgarh	Mr. Aniruddha P. Mayee, AOR
HC of Bombay	Mr. Aniruddha P. Mayee, AOR
Allahabad High Court	Mr. Ashok K. Srivastava, AOR
State of Mizoram	Mr. Pragyan Sharma, Adv. Mr. Mudit Makhijani, Adv. Mr. Shikhar Garg, Adv. Mr. P.V. Yogeswaran, AOR
	Mr. Vipin Nair, AOR Mr. P.B. Suresh, Adv. Mr. Anshumaan Bahadur, Adv. Mr. Karthik Jayashankar, Adv.
High Court of Kerala	Mr. T.G.N. Nair, Adv. Mr. Ejaz Maqbool, AOR Mr. Debasis Misra, AOR Mr. Lakshmi Raman Singh, AOR Mr. Y. Raja Gopala Rao, AOR Mr. Ugra Shankar Prasad, AOR Mr. Tara Chandra Sharma, AOR Mr. T.V. Ratnam, AOR Mr. T. Mahipal, AOR

Mr. Suwendu Suvasis Dash, AOR
Mr. Sunny Choudhary, AOR
Mr. Sunil Kumar Verma, AOR
Ms. Sumita Hazarika, AOR
Mr. Siddhartha Chowdhury, AOR
Mr. Shail Kumar Dwivedi, AOR
Ms. Sarla Chandra, AOR
Ms. S. Janani, AOR
Mr. S.C. Patel, AOR
Mr. Rana Ranjit Singh, AOR
Mr. Rajesh Srivastava, AOR
Mr. Radha Shyam Jena, AOR
Mr. R. Sathish, AOR
Mr. R. Nedumaran, AOR
Mr. P.N. Tyagi, Adv.
Mr. Gopi Chand, Adv.
Mr. Prakash Kumar Singh, AOR
Mr. Pradeep Misra, AOR
Mr. Parijat Sinha, AOR
Mr. Naresh Kumar, AOR
Mr. Naresh K. Sharma, AOR
Ms. Naresh Bakshi, AOR
Mr. Milind Kumar, AOR
Mr. Merusagar Samantaray, AOR
Mr. M.R. Shamshad, AOR

Mr. Krishnayan Sen, AOR
Mr. Mukesh Kumar Maroria, AOR
Mr. Shree Pal Singh, AOR
Mr. Gopal Singh, AOR
Ms. Manisha Ambwani, AOR
Mr. Vinod Sharma, AOR
Mr. Gopal Prasad, AOR
HC of M.P. Mr. Mishra Saurabh, AOR
State of Mah. Ms. Suvarna Ganu, Adv.
Mr. Nishant Ramaantrao Katneshwarkar, AOR
State of Odisha Mr. Som Raj Choudhury, AOR
Mr. Rohit K. Singh, AOR
Mr. Shreekant N. Terdal, AOR
Mr. Arun K. Sinha, AOR
Mr. K. K. Mohan, AOR
Mr. Jagjit Singh Chhabra, AOR
Mr. R. Sathish, AOR
Mr. Kamlendra Mishra, AOR
Ms. A. Subhashini, AOR
Mr. Avijit Bhattacharjee, AOR
Mr. B. S. Banthia, AOR
Mr. Ajay Pal, AOR
Ms. Asha Jain Madan, AOR
Ms. G. Indira, AOR
Mr. Kamal Mohan Gupta, AOR

Mr. Kamini Jaiswal, AOR

for M/S. Corporate Law Group, AOR

Mr. S. C. Patel, AOR

Mrs. D. Bharathi Reddy, AOR

Mr. Anuvrat Sharma, AOR

Ms. Asha Gopalan Nair, AOR

Mr. B. Balaji, AOR

Mr. Abhijit Sengupta, AOR

Mr. Jatinder Kumar Bhatia, AOR

Telangana HC

Ms. Anitha Shenoy, AOR

Mr. Ashok Mathur, AOR

Mr. Shail Kumar Dwivedi, AOR

Mr. Kaushal Yadav, AOR

Mr. Ashwani Kumar, AOR

Mr. Ardhendumauli Kumar Prasad, AOR

Mr. Sibbo Sankar Mishra, AOR

Mr. Pradeep Kumar Yadav, Adv.

Ms. Manju Jetley, AOR

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

DELHI/HIGH COURT OF DELHI

Following officers are present on behalf of the
Government of NCT of Delhi and the High Court of Delhi:

A. On behalf of Delhi High Court

- (i) Mr. D.K. Sharma, Registrar General, High Court
- (ii) Mr. Reetesh Kr. Singh (ADJ), Officer on Special Duty, Exams, HC of Delhi.

B. On behalf of Government of NCT of Delhi

- (i) Mr. AK Mendiratta, Principal Secretary, Law, NCTD
- (ii) Mr. Sanjeev Khirwar, Secretary, PWD
- (iii) Mr. Lovleen, Addl. Secretary (Law, Justice and Legislative Affairs)
- (iv) Mr. Sanjeev Rastogi, Chief Project Manager (other Projects), PWD, Delhi
- (v) Mr. P.K. Vats, Engineer in Chief, PWD

The issue that requires to be considered insofar as Government of National Capital Territory of Delhi ("Government of NCT of Delhi" for short) is concerned, as evident from a reading of the previous order of this Court dated 29th November, 2018, is the availability of infrastructure i.e. court halls to enable the 147 number of Judicial Officers who are expected to complete the training and will be ready for court functioning in March 2020

Pursuant to the order of this Court dated 29th November, 2018 passed by this Court after due interaction between the Registrar General of the Delhi High Court and

the Competent Officials of the Government of NCT of Delhi what is proposed is permanent construction of 201 court rooms, 525 lawyers chambers and 100 residential units with targetted date of completion as mentioned below in the schedule which is extracted from the affidavit filed on behalf of the Government of NCT of Delhi.

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Name of Court Complexes	Number of Court Rooms	Number of Lawyers Chambers	Number of Residential Units	Tentative Cost (Rs. In Crores)	Revised Timeline
Shastri Park	30	125		63	February 2021
Anand Vihar			100	110	February 2022**
Karkardooma (Land being allotted by DDA)*	50			85	February 2021*
Rohini Family Court site	21			36	February 2021
Rouse Avenue Site adjacent to existing District Court Complex (Land being allotted by L & DO, MoHUA)*	50	200		105	February 2021*

Rohini Sec-26 (Land being allotted by DDA)*	50	200		105	February 2021*
Total	201	525	100	504	

* The pre-construction and construction period is 27 months after allotment of land

** Land use to be changed to residential...."

Mr. Sanjeev Khirwar, Secretary, Public Works Department (PWD), Government of NCT of Delhi, has stated before the Court that the time schedule of completion mentioned in the schedule extracted above is subject to the allotment of land by the DDA and L & DO, MoHUA.

In response, the Registrar General of the High Court of Delhi, who is present, has stated that so far as allotment of land in Karkardooma is concerned, the Government of NCT of Delhi has been asked to make the deposit and the proposal for allotment is at an advanced stage whereas insofar as allotment of land in Rouse Avenue is concerned the matter is under process.

Both the matters with regard to allotment of land be expedited and completed at the earliest.

In the above affidavit filed on behalf of the Government of NCT of Delhi dated 12th December, 2018 there is another commitment/undertaking on behalf of the PWD of the Government of NCT of Delhi for construction of 150 porta Cabins/temporary accommodations with timeline of March 2020 to enable the anticipated 147 courts to start functioning after completion of the training of the Judicial Officers whose selection is under process at present. The said commitment/undertaking is in the following terms:

"5. The Hon'ble Minister (PWD) made the following observations while approving the abovesaid proposals:

'The proposal for construction of 150 Porta Cabin/temporary accommodation submitted by Engineer-in-Chief, PWD on NP-2 with timeline of March 2020 with tentative cost of Rs.33.75 crore should be considered as the timeline for making the required judicial infrastructure ready for judicial officers is June-July 2020. The work of this proposal should be initiated immediately to meet the timeline.

The proposal of rented accommodation should only be considered after review the progress of 150 Porta Cabin/temporary accommodation in June 2019. The proposal of construction of additional court rooms and residential accommodation in the land available/land being allotted by DDA may also be considered simultaneously for permanent court complexes/residential complexes for judiciary.'"

Having interacted with the Registrar General of the High Court of Delhi as well as Shri Raju Ramchandran, learned Senior Counsel appearing for the High Court of Delhi and taking into account the stand taken by the High Court that it is possible and feasible to have the courts functioning from the temporary accommodations which the Government of NCT of Delhi has undertaken to provide with effect from March 2020, we direct the Public Works Department of the Government of NCT of Delhi to act accordingly and also all authorities concerned in the matter of allotment of land to finalize the process of allotment so that the 150 temporary units are available on scheduled time to enable the additional courts to start functioning from March or so of the year 2020.

We also take on record the undertaking on behalf of the Public Works Department of the Government of NCT of Delhi with regard to timeline mentioned in the schedule, extracted above, for completion of the permanent accommodation after allotment of land in Karkardooma and Rouse Avenue as per details mentioned above.

The recruitment of judges as well as availability of infrastructure including housing in the NCR of Delhi will

not require any further order of the Court. However, it will be open either for the High Court of Delhi or the Government of NCT of Delhi to make a mention of the matter before this Court in the event any further order/orders is/are required.

[VINOD LAKHINA]

AR-cum-PS

[ANAND PRAKASH]

BRANCH OFFICER