

ITEM NO.302

COURT NO.6

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, 851/2025 and MA Diary No. 7071 of 2026 ARE LISTED UNDER THIS ITEM]

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

FOR EXEMPTION FROM FILING O.T. ON IA 105772/2026

FOR EXEMPTION FROM FILING O.T. ON IA 106812/2026

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 107287/2026

FOR APPLICATION FOR PERMISSION ON IA 107288/2026

FOR INTERVENTION APPLICATION ON IA 107289/2026

FOR EXEMPTION FROM FILING O.T. ON IA 107290/2026

FOR impleading party ON IA 109957/2026

FOR INTERVENTION/IMPLEADMENT ON IA 109957/2026

FOR INTERVENTION APPLICATION ON IA 140255/2026

FOR EXEMPTION FROM FILING O.T. ON IA 140258/2026

FOR EXEMPTION FROM FILING O.T. ON IA 140853/2026

FOR STAY APPLICATION ON IA 140854/2026
 FOR impleading party ON IA 163452/2026
 FOR INTERVENTION/IMPLEADMENT ON IA 163452/2026
 FOR EXEMPTION FROM FILING O.T. ON IA 163456/2026
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 164364/2026
 FOR APPLICATION FOR PERMISSION ON IA 166904/2026
 FOR impleading party ON IA 189063/2026
 FOR INTERVENTION/IMPLEADMENT ON IA 189063/2026
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 189064/2026
 IA No. 13768/2026 - APPLICATION FOR PERMISSION
 IA No. 166904/2026 - APPLICATION FOR PERMISSION
 IA No. 107288/2026 - APPLICATION FOR PERMISSION
 IA No. 107287/2026 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 189064/2026 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 164364/2026 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 13769/2026 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 106812/2026 - EXEMPTION FROM FILING O.T.
 IA No. 140853/2026 - EXEMPTION FROM FILING O.T.
 IA No. 105772/2026 - EXEMPTION FROM FILING O.T.
 IA No. 140258/2026 - EXEMPTION FROM FILING O.T.
 IA No. 93586/2026 - EXEMPTION FROM FILING O.T.
 IA No. 107290/2026 - EXEMPTION FROM FILING O.T.
 IA No. 13770/2026 - EXEMPTION FROM FILING O.T.
 IA No. 163456/2026 - EXEMPTION FROM FILING O.T.
 IA No. 13767/2026 - INTERVENTION APPLICATION
 IA No. 140255/2026 - INTERVENTION APPLICATION
 IA No. 107289/2026 - INTERVENTION APPLICATION
 IA No. 189063/2026 - INTERVENTION/IMPLEADMENT
 IA No. 109957/2026 - INTERVENTION/IMPLEADMENT
 IA No. 163452/2026 - INTERVENTION/IMPLEADMENT
 IA No. 93584/2026 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES, IA No. 92488/2026 - PERMISSION TO FILE
 ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 140854/2026 - STAY
 APPLICATION

CONMT.PET.(C) No. 851/2025 in C.A. No. 14604/2024 (III-A)
 FOR
 FOR EXEMPTION FROM FILING PAPER BOOKS ON IA 280591/2025
 FOR EXEMPTION FROM FILING O.T. ON IA 305048/2025
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 134167/2026
 IA No. 134167/2026 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 305048/2025 - EXEMPTION FROM FILING O.T.

IA No. 280591/2025 - EXEMPTION FROM FILING PAPER BOOKS

Diary No(s). 7071/2026 (III-A)

IA No. 38684/2026 - EXEMPTION FROM FILING O.T., IA No. 49582/2026
- EXEMPTION FROM FILING PAPER BOOKS, IA No. 38683/2026 -
RECALLING THE COURTS ORDER

Date : 14-07-2026 These petitions were called on for hearing today.

CORAM :

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

For Petitioner(s) : Ms. Astha Sharma, AOR
Mr. Sanjeev Kaushik, Adv.
Mr. Simranjeet Singh Rekhi, Adv.
Mr. Karan Verma, AOR
Mr. Tushar Jain, AOR

Mr. Mukesh Kumar, Adv.
Mr. Srajan Shankar Kulshrestha, Adv.
Mr. Akash, Adv.
Mr. Anurag Pandey, Adv.
Mr. Amit Kumar, Adv.
Mr. Ashish Pandey, AOR

Item No. 302.2 Mr. Gagan Gupta, Sr. Adv.
Ms. Ashtha Sharma, Adv.
Mr. Sanjeev Kaushik, Adv.
Mr. Simranjeet Singh Rekhi, Adv.
Ms. Jyotika, Adv.
Mr. Jasbir Singh, Adv.

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

Mr. Naveen Pahwa, Sr. Adv.

Mr. Abhishek Kumar Singh, AOR
Mr. Abhinav Jaganathan, Adv.
Ms. Pallavi Baghel, Adv.

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

Mr. Krishan Kumar, AOR

Mr. Kanhaiya Singhal, AOR
Mr. Kanhaiya Singhal, Adv.
Mr. Bhavishya Makhija, Adv.
Mr. Prasaana, Adv.
Ms. Vani Singhal, Adv.
Ms. Shatakshi Singh, Adv.
Mr. Varun Punia, Adv.

Mr. Sunil Kumar Jain, AOR
Ms. Rashika Swarup, Adv.

Mr. Rk Singh, Adv.
Ms. Neeraj Singh, Adv.
Mr. Tom Joseph, AOR
Mr. Kumar Gaurav, Adv.
Ms. Muskan Singh, Adv.

Mr. Birendra Prasad Verma, Sr. Adv.
Mr. Mithilesh Kumar Singh, AOR
Mr. Neeraj Kumar Tripathi, Adv.
Mr. Ashutosh Tiwari, Adv.
Mr. Tarun Verma, Adv.
Mr. Alok Kumar Dwivedi, Adv.

Mr. Sandeep Singh, AOR

Mr. Vivek Narayan Sharma, AOR
Mrs. Mahima Bhardwaj Kalucha, Adv.
Mr. Akash Singh, Adv.

Mr. Adhiraj Wadhera, Adv.
Ms. Palak Kaushik, Adv.
Ms. Annika Khurana, Adv.
Mr. Vipin Kumar Sexena, Adv.

Mr. Sanjay Hegde, Sr. Adv.
Mr. Amit Dwivedi, AOR
Mr. Shivank Agarwal, Adv.
Mr. Ankit Tiwari, Adv.
Mr. Aman Verma, Adv.
Mr. Ashish Kumar, Adv.

Mr. Salman Khurshid, Sr. Adv.
Ms. Azra Rehman, Adv.
Ms. Rhythm Bharadwaj, Adv.
Ms. Kanchan Singhal, Adv.

For contemnor : Ms. Aishwarya Bhati, ASG
Mr. Tanmaya Agarwal, AOR
Ms. Aditi Agarwal, Adv.
Mr. Udit Bhardwaj, Adv.

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

ITEM NO. 302.1 CONMT.PET.(C) No. 877/2025 in C.A. No. 14604/2024

1. The matter was taken up today for further hearing.
2. In pursuance of our order dated 09.04.2026, a report has been filed by the U.P.Awas Evam Vikas Parishad in the form of an affidavit duly affirmed by Mr. P. Guruprasad, Chairman of the Parishad.

3. In the report, the deponent has highlighted the steps that have been taken so far to demolish all unauthorised construction as directed by this Court.

4. We looked into the report threadbare. We also heard the learned counsel appearing for the parties.

5. We take notice of the fact as stated in the report itself that the 44 properties, which were identified earlier in which various commercial activities were undertaken illegally, have been sealed.

6. It is not in dispute that all these 44 properties were originally meant for residential purpose. In fact, the original plans which were sanctioned were also for residential purpose. The permission was also granted for residential purpose. Over a period of time, people started utilising all these structures for running a School, Maternity Clinics, Hospitals, Diagnostic Centres, Banks, etc.

7. We are informed that most of the 44 properties are not in the form of residential houses. They are all in the form of commercial structures. If they are in the form of commercial structures, we direct that these structures shall be demolished at the earliest. If there is any structure in the form of a

house, and if there is any additional construction put up in that structure and utilised for the purpose of commercial use, then the authority shall identify that part of the structure and shall issue notice to the owner to demolish it within a period of 15 days from the date of the notice. If the owner on its own demolishes it, then well and good; otherwise the authority shall proceed to demolish that part of the unauthorised structure and recover all the expenses that may be incurred for the purpose of demolition. The expenses shall be recovered as arrears towards land revenue.

8. We direct the authorities to start taking action in the aforesaid regard at the earliest.

9. We also looked into the Status Report insofar as demolition of construction in the setback areas in 128 properties is concerned.

10. With regard to setback areas, manifold contentions were sought to be raised today including placing reliance on the bylaws, etc. We direct that all setback areas of each and every property shall be demolished.

11. Mr. Pahwa, the learned senior counsel appearing for the

Parishad made a fervent appeal that there are some residential houses falling within the category of EWS, where occupants have put up unauthorised construction in the form of an additional floor etc., may be permitted to be compounded.

12. In this regard, he invited our attention to Regulation 16 of the U.P. Housing and Development Board Regulations, 1982 (for short, "the Regulations"). Regulation 16 reads thus:-

"16. Compounding of unauthorised construction:

(1) The authority can for reasons to be recorded refuse to compound any case of unauthorised construction.

(2) The following category of unauthorised construction shall

not be compounded.

(a) Any construction not in conformity of the land use proposal contained in the Master Plan of the area.

(b) On Government or public or Parishad land.

(c) On the first floor of construction within the front, side and rear set back which has been compounded earlier.

16.1 The fees for compounding shall be charged as given in Appendix-1 or as revised by the Board in future.

16.2 The compounding of any unauthorised construction can be done only on the written request of the applicant."

13. The plain reading of Regulation 16(1)(a) referred to above itself makes it explicitly clear that there shall not be any compounding of unauthorised construction not in conformity of the land use proposal contained in the Master Plan of the area.

14. There is no question of compounding in the aforesaid view of the matter. We make it abundantly clear.

15. We also heard Mr. P. Guruprasad, Chairman of the Parishad, who has joined online. We enquired with Mr. Guru Prasad whether he has looked into or inquired about unauthorised constructions and illegal use of residential premises in other parts of the town. There could be many areas where people may be using residential premises for commercial purpose, etc.

16. We want the Chairman, to undertake a fresh exercise in the aforesaid regard at the earliest, and file his report by the next date of hearing. Teams shall be deputed to undertake extensive inquiry and inspection in this regard. We say so because there should not be any discrimination insofar as the action which has been taken to demolish all illegal buildings.

17. We also want Mr. Guru Prasad, the Chairman of the Parishad

to enquire whether any construction has come up illegally of any residential houses/Kacchha Houses at the outskirts of the town of Meerut more particularly at the place called Uldepur. The learned counsel appearing for the petitioner shall also enquire and assist us in this regard.

18. We want a report in this regard also.

19. When we heard this matter for the first time and passed the order, we had said that this litigation is an eye-opener not only for the town of Meerut or the State of Uttar Pradesh, but for the entire Country. Over a period of last three months, there have been some heart-wrenching casualties wherein innocent children young and aged got charred to death because of fire.

20. We want the authorities to ensure that such incidents do not occur, and all steps are taken to protect human life. We once again impress upon the State and all its authorities that if action is not taken today, it will be too late in the day thereafter to proceed in accordance with law. Do not give an impression to the people at large that they will be saved or their illegal constructions will be compounded on mere asking or a mere request. Right action at the right time must be taken,

and that is the only way that the State will be able to maintain the Rule of Law.

21. We make it clear for one and all that mere passage of time or laxity on the part of the authorities in taking timely action will not cure the illegality by itself. Passage of time can never be a ground to compound the illegality or unauthorised construction. What is illegal or what is unauthorised would always remain so and by efflux of time would not become authorised or is liable to be compounded. This idea of compounding which has come in the mind of the Parishad is strongly deprecated.

22. No man is above the law, and no man is below it; nor do we ask any man's permission when we ask him to obey it. Obedience to the law is demanded as a right; not asked as a favor. We are guardians of rights, and we have to tell people things they often do not like to hear.

23. Post this matter for further hearing on 21.9.2026 at 2.00 P.M.

24. On the next date of hearing, Mr. Pahwa, the learned senior counsel appearing for Parishad, shall file a fresh report of

further developments that may have taken place.

25. The affidavit filed on behalf of the Parishad is ordered to be taken on record.

26. Mr. P. Guruprasad, the Chairman of the Parishad shall appear on the next date of hearing through Video Conferencing.

27. At one point of time, the learned counsel argued that, in fact there is no requirement of a setback, we outright reject this argument.

Item No.302.2 CONMT.PET.(C) No. 851/2025 in C.A. No. 14604/2024

28. None present on behalf of the State of Haryana.

29. There is no report filed. We want an exhaustive report by the next date of hearing.

List the CONMT.PET.(C) Nos. 877/2025, 851/2025 and MA Diary No. 7071 of 2026 in 14604/2024 on 21.09.2026 at 2.00 P.M.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)

(Affidavit filed on behalf of Parishad is annexed herewith ROP)