

M. C. MEHTA

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v.

UNION OF INDIA & ORS.

(Writ Petition (Civil) No. 4677 of 1985)

In RE : SEALING ISSUE

(Report Nos. 129 and 131 submitted by Monitoring Committee)

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NOVEMBER 22, 2018

**[MADAN B. LOKUR, S. ABDUL NAZEER AND  
DEEPAK GUPTA, JJ.]**

*Urban Development:*

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*Sealing of unauthorized/illegal dairy – By Milch Tax Inspector, on the direction of Director (Veterinary Services) of East Delhi Municipal Corporation (EDMC) – Seal broken by a Member of Parliament (MP) – FIR – Premises re-sealed – Monitoring Committee (appointed by Supreme Court) submitted its Report No. 129 before Supreme Court stating the above facts – Notice issued to the MP – In the meantime Monitoring Committee filed Report No. 131 stating that an article in a leading national daily mentioned that soon after hearing on 3<sup>rd</sup> October, 2018, the MP alleged that the Monitoring Committee was running a sealing racket in connivance with corrupt officers – Held: Monitoring Committee had no role to play in the matter of sealing the premises in question – However, the MP did take law into his own hands by breaking the seal – It is left to the better judgment of the political party, to which he belongs, to take action against him – Allegations made by the MP against the Monitoring Committee shows his total lack of respect for any rule of law – However, the Court does not intend to proceed against the MP for the reckless statement – Therefore, the proceedings against the MP and the Reports of the Monitoring Committee are closed.*

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**Closing the Reports of the Monitoring Committee, the Court**

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**HELD: 1. The Monitoring Committee had no role to play in the matter of sealing the premises which was in violation of the provisions of the Delhi Municipal Corporation Act, 1957. The sealing and de-sealing of the premises had nothing to do with the Monitoring Committee which was not consulted in the matter and no direction had been given by the Monitoring Committee**

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A to seal the premises. The sealing of the premises was an independent act carried out by the Veterinary Services Department of the EDMC and had no concern with the Monitoring Committee. [Paras 9 and 10][1181-C-E]

B 2.1 Notwithstanding this, there is no doubt that the Member of Parliament did take the law into his own hands and broke the seal or tampered with it. Shri Manoj Tiwari is an elected MP and hopefully a responsible citizen of Delhi. Instead of pacifying the mob and requiring the mob to act in accordance with law, Shri Manoj Tiwari acted irresponsibly by taking the law into his own hands. The consequence of such a behaviour can be devastating in a given situation. It is left to the better judgment of the political party, to which he belongs, to take action against the MP, if so advised. [Paras 11, 12 and 13][1181-E-G; 1182-B]

C 2.2 The misplaced bravado of the MP and his chest thumping immediately after the hearing on 3<sup>rd</sup> October, 2018 and making serious but frivolous allegations against the Monitoring Committee appointed by this Court is a clear indication of how low he can stoop, and displays his total lack of respect for any rule of law. It seems that he is, in a sense, a rebel without a cause. The court does not intend to proceed against him for the reckless statement attributed to him as publicized by the Media Department of the political party. Pumping for apparently misplaced political propaganda has no place in our courts; this unhealthy practice needs to be strongly deprecated. The proceedings against the MP are closed. Report Nos. 129 and 131 are also closed. [Paras 15 and 16][1182-D-G]

F *M.C. Mehta v. Union of India* (2006) 3 SCC 399 : [2006] 2 SCR 264 – referred to.

#### Case Law Reference

G [2006] 2 SCR 264 referred to Para 1  
 CIVIL ORIGINAL JURISDICTION: Writ Petition (Civil)  
 No. 4677 of 1985  
 Under Article 32 of the Constitution of India  
 Ranjit Kumar, Sr. Advocate (A.C.) A. D. N. Rao, (A.C.)  
 H Ms. Anitha Shenoy, (A.C.) Advs.

Vikas Singh, Sr. Adv., Ajay Kr. Singh, Neeraj, Satyendra Kr. A  
 Srivastav, Ramesh Tiwari, Vinay Kumar, Atulesh Kumar, R. Bala, Sachin  
 Sharma, Pranay Ranjan, Raj Bahadur Yadav, D. L. Chidanand, Ritesh  
 Kumar, Ms. Suhasini Sen, G. S. Makker, B. V. Balram Das, A. K. Kaul,  
 Raj Bahadur, Mrs. Anil Katiyar, Vijay Panjwani, S. Wasim A. Qadri,  
 Zaid Ali Subzposh, Praveen Swarup, Gaurang Kanth, Sayan Ray, Soumo B  
 Palit, Ms. Eshita Baruah, B. C. Santosh Kumar, Ajay Bansal, Ms. Veena  
 Bansal, Gaurav Yadav, Ms. Garima Prashad, Ms. Anil Katiyar, D. N.  
 Goburdhun, Ms. Gauri Goburdhun, Ms. Pallavi Chopra, Arvind Kumar  
 Sharma, Ms. Srishti Agnihotri, Advocates for the appearing parties.

Petitioner-In-Person

The Judgment of the Court was delivered by

**MADAN B. LOKUR, J.** 1. The Monitoring Committee C  
 appointed by this Court by judgment and order dated 16<sup>th</sup> February, 2006<sup>1</sup>  
 submitted Report No. 129 dated 18<sup>th</sup> September, 2018. It was stated in  
 the Report that the Monitoring Committee had received information that D  
 the seal put by the Veterinary Services Department of the East Delhi  
 Municipal Corporation (EDMC) on a property in village Gokalpur,  
 Shahadra, North Zone, Delhi had been broken/tampered with on  
 16.9.2018.

2. The Report of the Monitoring Committee contains the following E  
 information:

“On the directions of Director (VS), EDMC to take action against  
 the illegal dairies at Gokalpur village, MTI was directed to  
 thoroughly check the area and take sealing action against any  
 illegal dairy running at Gokalpur. MTI inspected the area and  
 found one illegal dairy being run at H. No. 46, Kh. 299, Village F  
 Gokalpur near Panchayat Ghar, Delhi-94 by Sh. Prem Singh s/o  
 Sh. Mahaveer Singh. As police programme has already been  
 booked for taking action in the area, therefore, the above illegal  
 dairy was sealed by MTI and his staff on 14.09.2018. The report  
 of sealing alongwith necessary photographs were sent to Director G  
 (VS), EDMC and sealing action was entered in the sealing Register  
 at Sr. No. 123.

Yesterday on 16.09.2018 (Sunday), Digital Media reports showed  
 that above seal has been broken by Sh. Manoj Tiwari, Hon’ble

<sup>1</sup> M.C. Mehta v. Union of India, (2006) 3 SCC 399

A M.P. Similar reports were also printed in the print media and Hon'ble M.P. was shown in the action of breaking the seal of the premises.

First Information Report of the incident has been lodged by DD(VS) at PS-Gokalpuri against all responsible persons. Further Deputy Director (Veterinary Services), Shahdara (North) Zone has fixed a programme for re-sealing the above mentioned premises at 2.30 p.m. on 17.09.2018 and SHO, Gokalpuri has been requested to provide sufficient police force.”

3. A perusal of the Monitoring Committee's Report indicates that on 14<sup>th</sup> September, 2018 an illegal dairy being run at H. No. 46 on Kh. 299 in village Gokalpur owned by Shri Prem Singh was sealed by the Milch Tax Inspector on the directions of the Director (Veterinary Services) of the EDMC. The seal was apparently broken or tampered with by Shri Manoj Tiwari, an elected Member of Parliament (MP) on 16<sup>th</sup> September, 2018 as reported in the digital media and the print media.

4. The Report further indicates that when the breaking/tampering of the seal came to the knowledge of the Veterinary Service Department, a First Information was lodged and the premises were re-sealed on 17<sup>th</sup> September, 2018.

5. On a reading of the Report, we got the impression that the sealing was carried out in consultation with the Monitoring Committee appointed by this Court in terms of the judgment and order dated 16<sup>th</sup> February, 2006. It appeared to us that Shri Manoj Tiwari had violated orders of this Court and interfered in the administration of justice which amounted to contempt of court. Accordingly on 19<sup>th</sup> September, 2018 we issued notice to Shri Manoj Tiwari directing his personal appearance on 25<sup>th</sup> September, 2018. On that date and subsequently on 1<sup>st</sup> October, 2018 and 12<sup>th</sup> October, 2018, Shri Manoj Tiwari was present in Court. He filed a reply and the Report was taken up for consideration. We finally heard the matter on 30<sup>th</sup> October, 2018.

6. In the meanwhile, on 8<sup>th</sup> October, 2018 the Monitoring Committee filed Report No. 131 in this Court in which it annexed an article from a leading national daily of 4<sup>th</sup> October, 2018. The article mentioned that soon after the hearing on 3<sup>rd</sup> October, 2018 Shri Manoj Tiwari alleged that the Monitoring Committee is running a sealing racket in connivance with corrupt officers.

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7. Report No. 131 also placed on record a document issued by the Media Department of a national political party to which the MP belongs. The document adverted to the statement reportedly made by Shri Manoj Tiwari wherein he had alleged that the Monitoring Committee is running a racket of sealing in connivance with corrupt officers. A

8. When we finally took up the matter for hearing on 30<sup>th</sup> October, 2018 Shri Manoj Tiwari was present in Court along with his learned counsel and submissions were made on his behalf as well as by the learned *Amicus Curiae* on behalf of the Monitoring Committee. B

9. It appears from the submissions made before us that in fact the Monitoring Committee had no role to play in the matter of sealing the premises of Shri Prem Singh who had violated the provisions of the Delhi Municipal Corporation Act, 1957. During the course of submissions, we were informed that Shri Prem Singh had paid a fine and penalty for misuse of the premises by running an unlicensed dairy and the premises de-sealed. C

10. The sealing and de-sealing of Shri Prem Singh's premises had nothing to do with the Monitoring Committee which was not consulted in the matter and no direction had been given by the Monitoring Committee to seal Shri Prem Singh's premises. The sealing of the premises was an independent act carried out by the Veterinary Services Department of the EDMC and had no concern with the Monitoring Committee. D

11. Notwithstanding this, there is no doubt (and this is the admitted position) that Shri Manoj Tiwari did take the law into his own hands and broke the seal or tampered with it on the premises of Shri Prem Singh on or about 16<sup>th</sup> September, 2018. E

12. We are extremely pained by the machismo and brazen manner in which Shri Manoj Tiwari took the law into his own hands and broke or tampered with the seal on Shri Prem Singh's premises. We are pained because Shri Manoj Tiwari is an elected MP and hopefully a responsible citizen of Delhi. Should an elected representative of the people defy the rule of law in this manner? F

13. We asked learned counsel representing Shri Manoj Tiwari the reason why he had taken the law into his own hands. The reply given to us, on instructions, was rather shocking. We were told that Shri Manoj Tiwari was a popular leader of a political party and on seeing him in that area a mob of about 1500 people had gathered and goaded him to break G H

- A the seal that had been “illegally” put on the premises of Shri Prem Singh. As a result of the pressure exerted upon him by the mob, he broke or tampered with the seal. What shocked us was the rationale given by Shri Manoj Tiwari which suggested to us quite explicitly that instead of pacifying the mob and requiring the mob to act in accordance with law, Shri Manoj Tiwari acted irresponsibly by taking the law into his own hands. The consequence of such a behaviour can be devastating in a given situation. For example, if a mob goads an elected MP to commit a far more serious offence, would it mean that the elected representative would act on the instructions of the mob and commit the offence? A large number of such situations can arise on a day to day basis and it is disconcerting to note that an elected member of a responsible political party can succumb to pressure from a mob rather than require the mob to follow the rule of law. In such a situation, the elected representative ceases to be a leader and becomes a blind follower. We need not say anything more on this subject but leave it to the better judgment of the political party to take action against Shri Manoj Tiwari, if so advised.

- D 14. The misplaced bravado of Shri Manoj Tiwari and his chest thumping immediately after the hearing on 3<sup>rd</sup> October, 2018 and making serious but frivolous allegations against the Monitoring Committee appointed by this Court is a clear indication of how low Shri Manoj Tiwari can stoop and display his total lack of respect for any rule of law. It seems that he is, in a sense, a rebel without a cause.

- E 15. The shoulders of this Court and the Monitoring Committee are broad enough to take criticism in its stride and therefore we do not intend to proceed against Shri Manoj Tiwari for the reckless statement attributed to him as publicized by the Media Department of the political party. We are of the view that pumping for apparently misplaced political propaganda has no place in our courts; this unhealthy practice needs to be strongly deprecated. We only hope, as mentioned above, that better sense prevails and undemocratic tendencies are curbed by the concerned political party.

- F 16. The proceedings against Shri Manoj Tiwari are closed. Report Nos. 129 and 131 are also closed.