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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 10107/2016 & CM No.40028/2016**

CHANDIGARH TAXI SERVICE

..... Petitioner

Through: Mr Vijay M. Chauhan and Mr Rahul
Bhatia, Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr Bhagvan Swarup Shukla, CGSC
with Mr Suraj Kumar and Mr
Kamaldeep, Advocates for R-1.
Mr Siddharth Dutta, Advocate for R-2
& 4.
Ms Reema Khorana and Mr Piyush
Arora, Advocates for SDMC/R-3.
SI R. T. Narani, Greater Kailash,
Traffic Circle with SI Ram Tirath,
Pairvi Officer, Traffic

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **02.11.2017**

1. The petitioner is operating a General Taxi Stand (GTS) located at M-Block market, near Bus Stand, Greater Kailash-1, New Delhi and has filed the present petition, *inter alia*, impugning an order dated 22.10.2013 passed by respondent no.4 (Delhi Traffic Police) de-notifying the petitioner's taxi stand.
2. The learned counsel appearing for the petitioner contended that the

petitioner's taxi stand was de-notified for the purposes of constructing a multilevel parking facility at the site in question. He states that there are several other *tehbazari* holders occupying the site and, therefore, the petitioner ought not to be singled out for being removed. He further states that the petitioner will willingly vacate the site once all *tehbazari* holders are also removed from the site. The learned counsel for the petitioner further contends that although an alternate site has been provided to the petitioner, the same has not been confirmed as yet.

3. Mr. Siddharth Dutta, learned counsel appearing for respondent no.4, submitted that the impugned order was issued at the request of the land owning agency (MCD). He referred to a letter dated 08.12.2011 where MCD had indicated that a multilevel automated car parking-cum-commercial complex is proposed to be constructed at M-Block, Greater Kailash-1 and the construction company had requested that the site be cleared. He submitted that the area of M-Block has become congested resulting in traffic hold-ups and therefore, it is considered expedient that the petitioner's taxi stand be removed.

4. He further submitted that an alternate site was also allotted to the petitioner at Masjid Moth, New Delhi and therefore, the petitioner's grievance in this regard had been addressed. The concerned authorities had sent a letter to the South Delhi Municipal Corporation (respondent no.3) seeking for their no objection for allotment of the alternate site. However, they have received no response from the SDMC.

5. Learned counsel appearing for SDMC submitted that the SDMC had already clarified that it was not the land owning agency of the alternate site at Masjid Moth, New Delhi and, therefore, the No Objection Certificate

(NOC) for the same was required to be obtained from respondent no.2.

6. A show cause notice dated 10.05.2012 was issued to the petitioner by the Deputy Commissioner of Police, Traffic, (HQ), Delhi calling upon the petitioner to show cause as to why his taxi stand should not be de-notified in exercise of powers conferred under Section 3 of the Delhi Control of Vehicular and other Traffic on Roads and Streets Regulation, 1980. The petitioner was duly heard pursuant to the show-cause notice and the order dated 22.10.2013 was passed, thereafter. As explained by learned counsel for respondent no.4, the petitioner was removed as the area in question (around M-Block, Greater Kailash-1) is proposed to be developed for a multilevel parking facility. The affidavit filed on behalf of SDMC also indicates that it is proposed to make the entire area pedestrian friendly and SDMC has already initiated certain works in this regard.

7. In the circumstances, this Court finds no infirmity with the impugned order cancelling the petitioner's taxi stand. The petitioner also does not dispute that he was duly heard and the order has been passed by the competent authority.

8. Insofar as the petitioner's relief for an alternate site is concerned, the petitioner has already been allotted a site at Masjid Moth, New Delhi. The allotment has not been confirmed as yet since respondent no.4 has not received a no objection from the land owning agency. Respondent no.4 had requested SDMC for issuance of an NOC; but as clarified by the learned counsel for the SDMC, SDMC is not the land owning agency. Therefore, without going into the question whether the petitioner is entitled to be relocated at an alternate site, this Court directs respondent no.4 to seek the appropriate NOC from the concerned land owning agency. No further

directions in this regard need to be issued as respondent no.4 has already initiated steps to allot an alternate site.

9. The contention that all *tehbazari* holders are required to be removed before any action is taken in respect of the petitioner's taxi stand is not merited. The respondent would take the necessary action in respect of other *tehbazari* holders also, if their removal is found necessary to develop the area in question. The petitioner has no vested right to continue to occupy the site in question and, therefore, the relief as prayed for in the present petition cannot be granted. The petitioner's taxi stand has been denotified for good reasons and no interference with the impugned order is warranted.

10. In view of the above, the petition and application are disposed of with the aforesaid directions.

VIBHU BAKHRU, J

NOVEMBER 02, 2017
dr