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

+ **W.P.(C) 5913/2024**

RAJENDER AGGARWAL

.....Petitioner

Through: Mr. Rajender Aggarwal, Petitioner
(in-person).

versus

S.H.O. & ANR.

.....Respondents

Through: Ms. Mehak Nakra, ASC with Ms.
Bhavya Nakra, Ms. Salonee and Mr.
Mayank, Advocates for GNCTD.
SI Arvind, P.S. GTB Enclave.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

20.11.2024

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1. The Petitioner is the owner of Shop No. 4, C Block, DDA Market, Dilshad Garden, Delhi. He is aggrieved by the illegal and unauthorised denting and painting work of vehicles being carried out in the said market. This, according to the Petitioner, is not permissible and causes inconvenience to the residents of the area. In this regard, he asserts that no industrial activities can be allowed in the market which is within Dilshad Garden - a residential colony. Additionally, he submits that the along with carrying out the aforementioned activities, shop keepers have also encroached upon the surrounding road and footpath thereby obstructing the free movement of public at large in Dilshad Garden Area.
2. In the above background the Petitioner made a representation dated



15th November 2010 before the Public Grievance Commission who on 24th January 2017 issued the following directions:

3.3 During the course of hearing, the Commission finds that many encroachment removal programmes could not take place because of lack of funds. It is suggested that whatever fine is imposed on the impounded vehicle owners, the same is kept separately to spend it only for the purpose of removing such type of encroachments. The Shahdara North Zone, EDMC is directed to conduct regular encroachment removal actions and cease the vehicles, which are found under denting and painting in the area under reference, and impose penalty on the shop owner carrying out such activities on public road/land.

The SHO, PS GTB Enclave is also directed to keep a watch and will not allow carrying out such type of activities.

4. Directions of the PGC

4.1 The Deputy Commissioner (Shahdara North Zone), East DMC shall take note of the Commission's directions in para 3.3 of this hearing order for compliance and ensure submission of an action taken report (in duplicate) in this regard, before the Commission in the next hearing, through a senior representative.

4.2 The SHO, PS GTB Enclave, shall take note of the Commission's directions in para 3.3 of this hearing order for compliance and ensure submission of an action taken report (in duplicate) in this regard, before the Commission in the next hearing.

3. The Petitioner submits that despite the aforementioned directions, no action has been taken by the Respondents and the illegal and unauthorised denting and painting work continues in the market. Additionally, the Petitioner submits that during the course of the proceedings before Public Grievance Commission, it has transpired that the MCD has illegally issued certain licenses to persons having shops in the Market for carrying on automobile activities in the area.

4. On the basis of the aforementioned, the Court had called upon the Respondents to file a status report. SHO, GTB Enclave has filed a status report to the following effect:

“Briefly stated the facts of the are that the petitioner has filed complaint vide Dy. No. Dy No R-41/BH dt. 27/03/2024.P.S. GTB Endave Shahdra & Dy No R- 21/CMTS DT 2/04/2024.P.S. GTB Enclave Shahdra alleging therein that Initialy the market was free from encroachment. Now some persons are running the workshop of denting and penting of vehicle



hapse resulting is encroachment. Action be taken against the encroachers

In this regard a letter vide Dy No 957 dated 04.05.24, SHO/GTB Enclave along with the photocopy of complaint has been sent to the Deputy Commissioner of MCD North Zone Shadra with the request for taking necessary action against the encroachers (copy enclosed). Further, In this regard case FIR No246/24 dated 08.05.24, U/S 283 IPC P.S. GTB Enclave and case FIR No 259/24 dated 18.05.24, U/S 283 IPC P.S. GTB Enclave (Copies endosed) have been registered against the encrochers of shop No. 6 and 26 Of C Block DDA Mkt Dilshad Garden Delhi respectively. Apart from this from time to time legal action will be taken against the encroachers. Beat staff has been briefed to keep a sharp vigil upon the encrochers and to take legal action against the violaters.”

5. Further, the said status report also encloses a copy of the complaint made by the Sub Inspector, Police Station GTB Enclave to the Deputy Commissioner, MCD requesting for appropriate action against the encroachers.
6. In light of the above, since the Respondents are now looking into the matter, the present writ petition is disposed of with the following directions:
 - a. The Deputy Commissioner of MCD, North Zone Shadra, shall look into the complaints filed by the Petitioner, as forwarded to them *vide* letter dated 4th May, 2024, and take appropriate action against the encroachers, if any, expeditiously in accordance with law.
 - b. Respondent No.1 is directed to ensure that their beat staff keeps a sharp vigil upon the encroachers and take appropriate action against them in accordance with law.
7. A copy of this order be supplied to Deputy Commissioner of MCD, North Zone Shadra.



8. Disposed of.

SANJEEV NARULA, J

NOVEMBER 20, 2024

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