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

+ **W.P.(C) 16123/2024 & CM APPL.67721/2024**

RESIDENTS ACTION COMMITTEE FOR REMOVAL OF
ENCROACHMENT FROM PUBLIC ROADS THROUGH MR.
NEERAJ AWASTHI Petitioner

Through: Mr.Jatinder Kumar Sethi, Advocate
with Mr.Prabhakar Meher,
Mr.Himanshu Sethi and Mr.Akhil
Kumar Tyagi, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS. Respondents

Through: Mr.Prashant Manchanda, ASC with
Ms.Nancy Shah and Ms.Isha Baloni,
Advocates for GNCTD.
Mr.Ajjay Aroraa, Advocate with
Mr.Kapail Dutta and Mr.Nitesh
Dubey, Advocates for MCD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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21.11.2024

CM APPL.67722/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Accordingly, the present application stands disposed of.

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3. Present public interest petition has been filed seeking directions to the Respondent Nos. 1 to 9 to take appropriate action to remove squatters in illegal and unauthorized occupation of public roads and to stop illegal hawking in the area outside Gate No.2 of Eastend Apartments, New Ashok



Nagar Metro Station, the RRTS Station & Bridge connecting Ghazipur Road at Mayur Vihar Phase – 1 Extension, East Delhi.

4. Learned counsel for the Petitioner states that unauthorized hawkers and vendors, including the Respondent Nos. 10 to 17, have illegally occupied public pavements and roads outside the subject premises and thereby converted the area into an unauthorized roadside food market, causing severe traffic congestion, public health hazards due to dumping of waste and obstruction of free movement for residents, commuters and ambulances.

5. He further states that the subject premises is in proximity to a government school and is a no-vending zone. He also states that illegal criminal activities like sale of drugs are being carried on at the subject premises, rendering it unsafe for residents. He states that the Respondents-MCD officials have acted in collusion with the squatters to earmark public roads and pavements for personal gain, violating their statutory duties under the Delhi Master Plan and the Delhi Municipal Corporation Act, 1957.

6. He states that despite sending multiple representations and complaints, including a legal notice dated 1st September, 2024, sent *vide* email, no action has been taken by the Respondent authorities. He also states that the residents of Eastend Apartments Cooperative Group Housing Society Ltd. have filed a police complaint dated 28th September, 2024 at the Police Station New Ashok Nagar, however, no action has been taken with regard to the same.

7. *Per contra*, learned counsel for MCD states that though MCD takes repeated removal actions, yet encroachers keep on coming back. He, however, admits that the grievances of the Petitioner are well founded. He



states that MCD has planned a special encroachment removal programme on 25th and 26th November, 2024.

8. Learned counsel for the Delhi Police states that she has no instructions in the matter.

9. The statements made by learned counsel for MCD are accepted by this Court and MCD is held bound by the same. Delhi Police and Petitioner are directed to render full cooperation to the MCD during the special encroachment removal programme on 25th and 26th November, 2024. The concerned DCP, Eastern Range and concerned SHO are also directed to ensure that public pavements and roads outside Gate No.2 of Eastend Apartments, New Ashok Nagar Metro Station, the RRTS Station & Bridge connecting Ghazipur Road at Mayur Vihar Phase – 1 Extension, East Delhi are not used for any illegal activities. Action on day-to-day basis must be taken and in case the encroachment reoccurs, the administrative officers of MCD and SHO of Police Station New Ashok Nagar shall be held personally liable.

10. With the aforesaid directions, the present writ petition along with applications stands disposed of.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 21, 2024
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