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

Judgment delivered on: 7th May, 2015

+ CONT.CAS(C) 872/2013

EBBANI AGGARWAL

..... Petitioner

Represented by: Md. Imtiyaz, Adv.

versus

SH MANGU SINGH & ORS

..... Respondents

Represented by: Mr. Manvendra Verma
and Mr. B.K. Goel, Adv. for R1 with Mr.
Puneet Garg, Law Officer, DMRC.

Mr. Ajay Arora and Mr. Sandeep Singh,
Advs. for R2.

Mr. Raman Duggal, Standing Counsel for
GNCTD with SI Udai Singh, Traffic/HQ.
Mr. Anil Sehgal, Adv. for R4 and R5.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. Vide the present petition, petitioner seeks directions thereby taking necessary action against the respondents for not wilfully complying the order dated 24.07.2013 passed in W.P.(C) 4620/2013.

2. For the convenience, order dated 24.07.2013 is reproduced as under:

“This writ petition seeks a direction to the DMRC as well as to the South Delhi Municipal Corporation and other concerned authorities for removing encroachment on the footpath near Metro Station at Sector-13, Dwarka, New Delhi. We have seen the photographs which have been filed along with the petition. It is clearly indicated that the agency of Maruti Suzuki, to whom the portion of the property has been let out by DMRC, is parking its cars on footpaths and on roads. The learned counsel for the DMRC is present and states that steps would be taken for removal of encroachment within a week. The other concerned authorities are directed to cooperate with DMRC to comply with this direction. The Traffic Police of the area is also directed to assist in removing the encroachment from the road. The learned counsel appearing for the South Delhi Municipal Corporation states that he will also look into the issue of providing access to the people with disabilities insofar as the footpaths and pavements around the said Metro Station are concerned. If required, the concerned agency would be asked to carry out the modifications to make the footpaths and pavements easily accessible for persons with disabilities. With these observations and directions, the writ petition stands disposed of.”

3. Respondent no. 1 has filed its counter-affidavit on 14.02.2014 whereby stated that the respondents were directed to remove encroachments from the footpath near Metro Station, Dwarka Sector-13, New Delhi to ensure that the Agency of Maruti Suzuki, to whom the portion of the property has been let out by DMRC, does not park its Cars on footpath or on road. To ensure the order dated 24.07.2013, vide letter dated 10.09.2013, dealer of Magic Auto Pvt. Ltd. informed Maruti Suzuki India Ltd. that vehicles parked outside DMRC, Sector-13, showroom have been removed and henceforth

there shall be no unauthorized parking on footpath / road at Dwarka, Sector-13, Metro Station.

4. It was further stated that they would be entering into a monthly parking contract within next 7 days and ensure full compliance of order dated 24.07.2013.

5. Thereafter, Maruti Suzuki India Ltd. vide letter dated 11.09.2013 sent the above reply enclosing thereby relevant photographs which shows that there was no unauthorized parking at Dwarka Sector-13 showroom.

6. In the counter-affidavit it was further stated that the respondent no. 1 has ensured that respondent no. 4 does not unauthorizedly park cars on the footpath and road abutting this Showroom in Sector-13, Dwarka, New Delhi.

7. Regarding the allegations of the petitioner that respondent no. 4 was now parking cars in the commuters parking area, to this effect there was no directions vide order dated 24.07.2013. Thus respondent no. 4 parked its car in the said parking area.

8. Be that as it may, the commuters parking does not belong to DMRC. The said area belongs to DDA, who is not a party in the said petition and also in the present petition.

9. It is clearly stated that DMRC has not been charging rent from respondent no. 4 for allowing to park cars unauthorizedly on the footpath and the platform around their showroom. Regarding the

ramp for differently abled person, the photograph at page 65 shows that there is a separate ramp for aforesaid category. Moreover, iron bar and angles have been put to prevent the footpath from unauthorized parking.

10. Counsel for the DMRC on instructions has assured this Court that the pillar erected on the ramp towards the entry to the metro station will be removed within two weeks.

11. In view of the compliance report, I am not inclined to pass further order in the instant petition.

12. Accordingly, the petition is disposed of.

SURESH KAIT, J

MAY 07, 2015

jg