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

+ W.P.(C) 5995/2017

GENERAL TAXI STAND & ANR

..... Petitioners

Through: Mr Sunil Satyarthi with Ms Tanvi
Bakshi Jaggi, Advocates.

versus

PUBLIC WORKS DEPARTMENT & ANR

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **18.07.2017**

CM No.24882/2017

1. Allowed, subject to all just exceptions.

W.P.(C) 5995/2017 & CM No. 24881/2017

2. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a) issue appropriate writ, order or direction for restraining the respondents to disturb peaceful possession of the petitioners and taking forcible possession of the General Taxi stand at Noida Road (No. 13-a), Sarita Vihar, New Delhi (now Jasola Modh).”

3. The petitioner claims to be engaged in the business of plying taxis and operates his business under the name of "General Taxi Stand". The petitioner has been occupying a small piece of land at Sarita Vihar - Noida Road, New Delhi, which is used for the purpose of operating a taxi stand. The petitioner states that the petitioner was permitted to operate taxi stand

from the said site by virtue of the order dated 20.02.1997 passed by the Deputy Commissioner of Police, Traffic under Regulation 3 of the Delhi Control of Vehicular and other Traffic on Roads and Streets Regulations, 1980. The learned counsel for the petitioner has also drawn the attention of this Court to a document (the date is illegible) issued by the Executive Engineer, Public Works Department, which indicates that No Objection Certificate (NOC) was issued by the PWD for operating a taxi stand at the site. The said document also indicates that the NOC was subject to the conditions that the land in question would be vacated immediately as and when required by the said department - PWD. The PWD also reserved its right to withdraw the NOC at any time and have the land restored to PWD immediately.

4. In view of the aforesaid, it is apparent that PWD would have the right to recover the land whenever required by PWD for its purposes and the petitioner has no title or interest in the land in question. However, the petitioner cannot be evicted without due notice.

5. In the circumstances, the present petition is disposed of by directing that in the event the respondents seek to evict the petitioner, they would issue a proper notice and ensure that the same is served on the petitioners at least two weeks prior to initiating any action to remove the petitioner from the site.

6. The learned counsel for the petitioner shall supply a copy of this order to the nominated counsel for the Government of NCT of Delhi and also communicate the same to the concerned Executive Engineer, PWD,

GNCTD.

7. The petition and the pending application are disposed of.
8. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

JULY 18, 2017
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