

\$~28.

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

+ LPA 427/2019

MOHINDER KUMAR JAIN & ORS Appellants

Through: Mr.Sunil Dutt Dixit, Adv.

Versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through: Ms.Mini Pushkarna, Standing
Counsel with Ms.Swagat Bhuyan, Ms.Shiva
Pandey, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

05.07.2019

%

C.M.No.29617/2019 (exemptions)

Allowed, subject to all just exceptions.

LPA No.427/2019

1. This letters patent appeal has been preferred challenging the order dated 29th March, 2019 passed by the learned Single Judge in W.P.(C) No.1344/2019 (Annexure A-1) as well as the order dated 6th May, 2019 (Annexure A-2).

2. Having heard the learned counsel for the parties and looking into the facts and circumstances of the case, it appears that this appeal is by the original petitioner who is more concerned with the availability of the width of the road for the vehicles in the area in question which is popularly known as Punjabi Basti Market Road, Delhi. The site map is at pages 114 -115 of the paper book.

3. It is submitted by learned counsel for the respondent that the width of

the road is approximately 30 ft. and from both the sides 5 ft. margin has been left out. The barricade placed by the respondents is approximately 20 ft. It is further submitted that even the barricade has a gate and a guard for 24/7. Thus, it appears that there is availability of road on both the sides. Moreover, the barricade placed for the overbridge also has a gate and a guard for 24/7. The gate of the barricade can be opened by the guard upon a request.

4. These aspects of the matter have been appropriately appreciated by the learned Single Judge while deciding the Writ Petition No.1344/2019 vide order dated 29th March, 2019 as well as the order dated 6th May, 2019. No error has been committed by the learned Single Judge. We are in full agreement with the reasons given by the learned Single Judge. Hence, there is no substance in the LPA and the same is, therefore, dismissed

C.M.No.29616/2019

In view of the final order passed in the LPA, the application is also dismissed.

CHIEF JUSTICE, J

C.HARI SHANKAR, J

JULY 05, 2019

'anb'