

\$~1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 702/2019**
FEDERATION OF NEHRU PLACE
ASSOCIATION (RETD) Petitioner
Through Mr. Tushar Thareja, Advocate.

versus

VARSA JOHSI , SOUTH DELHI MUNICIPAL
CORPORATION & ORS Respondent
Through Mr. Hansha Peechara, Standing
Counsel (SDMC) with Ms. Kriti
Sinha, Advocates.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **24.10.2019**

CM APPL. 35483/2019 (exemption)

1. Allowed, subject to all just exceptions.

CONT.CAS(C) 702/2019

1. The present petition has been filed by the Federation of Nehru Place Association (Retd.) praying *inter alia* that contempt proceedings be initiated against the respondent/SDMC for violating the order dated 02.04.2018, passed in LPA 623/2016.

2. Learned counsel for the petitioner states that vide order dated 02.04.2018, LPA 623/2016 filed by the petitioner/Association was disposed of and Nehru Place area was declared as a 'no hawking and no vending'

zone. Further, the municipal authorities were bound down to the stand taken by them in the case of Bachchu Singh & another Vs. South Delhi Municipal Corporation & Others, W.P.(C) No. 2566/2017 dated 07.09.2017, relevant paras whereof have been reproduced in para-5 of the judgment dated 02.04.2018. In the case of Bachchu Singh & another Vs. South Delhi Municipal Corporation & Others (supra), it was held that the Nehru Place area is a 'no hawking and no vending' zone.

3. A plea has been taken by the petitioner/Association that the responsibility of removing the unauthorized, illegal persons vending from the site lies on the respondent/SDMC but they have not been effectively monitoring the area. As a result, unauthorized persons keep returning to the site for purposes of hawking, which is impermissible and officers of the respondent/SDMC turn a blind eye towards the said illegal acts.

4. On a perusal of the contempt petition, we find that the same is bereft of material particulars. No specific instances with the date, time and specific location where such unauthorized vending was noticed by the members of the petitioner/Association has been highlighted which had also been brought to the notice of the respondent/SDMC but, the respondent/SDMC had not taken any action.

5. Learned counsel for the respondent/SDMC hands over a set of documents to state that pursuant to the order dated 02.04.2018, SDMC has been conducting special drives for removal of temporary encroachment in the Nehru Place complex and surrounding areas from time to time, including on 08.08.2018, 26.04.2019, 10.07.2019, 11.07.2019 and 12.07.2019 and as

recently as on 22.10.2019. She submits that officers of the respondent/SDMC are regularly approaching the local police for necessary assistance for taking removal action in the area, which is borne out from the photographs handed over alongwith the other set of documents. The said documents are taken on record.

6. If the petitioner/Association is aggrieved by the inaction of the officers of the respondent/SDMC, it shall be entitled to bring to their notice such specific instances and sites where illegal vending activity in the area is taking place for the respondent/SDMC to take appropriate removal action, as per law.

7. The petition is disposed of.

HIMA KOHLI, J

ASHA MENON, J

OCTOBER 24, 2019/MK