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

Date of Decision: 13.08.2019

+ W.P.(C) 8762/2019

RESIDENTS WELFARE ASSOCIATION Petitioner
Through: Mr. R.P.S. Bhatti, Adv.

versus

EAST DELHI MUNICIPAL CORPORATION Respondent
Through:

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM APPL.36271/2019 (*Exemption*)

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 8762/2019

1. This writ petition has been preferred as a public interest litigation with the following prayers:

“It is, therefore prayed to this Hon’ble court that respondent may kindly be directed to immediately demolish/remove the shops being constructed on the pavement adjoining Partibha Nagar Nigam Vidhalya C-3 Block, Nand Nagari,

Delhi in front of Block B-5, Nand Nagari, Delhi, in the interest of justice.”

2. The counsel appearing for the petitioner submitted that the shops which are under construction by the EDMC are reducing the width of the passage meant for pedestrians, but nothing has been mentioned about the original width of the passage meant for pedestrians and how much the width has now been reduced. Thus, the allegation is too vague and too general.

3. It is further submitted by the counsel for the petitioner that in these new shops which are going to be constructed by the EDMC, there are chances of the sale of *ganja* and other drugs.

4. Such apprehensions are devoid of any merit. Before coming into existence of these shops, the presumption is made by this petitioner that these shops will be used for the sale of prohibited items. Thus, we find no reason to entertain this writ petition.

5. We are, therefore, dismissing this writ petition with the cost of Rs.10,000/- (Rupees ten thousand only). This amount will be deposited in the Bank Account No.15530110000359, Registrar General Account, Juvenile Justice Centre SB, UCO Bank, Delhi High Court, New Delhi either by cheque or bank draft, within a period of six weeks from today, towards Juvenile Justice Fund. This amount shall be utilised by the Government of NCT of Delhi to perform duties under the Juvenile Justice Act, 2015 for the welfare of the juveniles.

6. A copy of this order will be sent to the Member Secretary, Delhi State Legal Services Authority, Central Office, Patiala House Courts Complex, New Delhi – 110001.

7. With the aforesaid observation, this writ petition stands disposed of.

CM APPL. 36272/2019 (Stay)

8. In view of the order passed in W.P.(C) 8762/2019, this application stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

AUGUST 13, 2019
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