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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 2029/2018

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Date of Decision: 25th September, 2019

UMESH SHARMA

..... Petitioner

Through: Mr.Vivek Kumar Tandon, Adv. with
Mr.Siddhant Tyagi, Adv.

Versus

GOVERNMENT OF NCT OF DELHI & ORS Respondents

Through: Mr.Satyakam, ASC for R-1 & 2/
GNCTD.Ms.Monika Arora, SC with Mr.Harsh Ahuja,
Mr.Kushal Kumar, Mr.Praveen Singh, Advs. for
R-3/North DMC.

Mr.Mahender Kumar Bhardwaj, Adv. for R-5.

Mr.Sri Harsha Peechara, ASC with Mr.Mananjay
Mishra, Ms.Kriti Sinha, Advs. for R-6/New Delhi
Municipal Council.

Mr.Manvendra Verma, Adv. for R-7/DMRC.

S.I. J.D.Yadav, Pairvi Officer, Traffic.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

J U D G M E N T: D. N. PATEL, Chief Justice (Oral)1. This Public Interest Litigation has been preferred with the following
prayers:-

- "I. Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction in favour of the petitioner and against the respondents thereby directing the respondent No.1 to ensure the cancellation of registration all such vehicles which are rendered permanently incapable of being used and have been abandoned and parked at various public spaces.



11

II. Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction in favour of the petitioner and against the respondents thereby directing the respondents to remove all the vehicles which are rendered permanently incapable of being run on the roads and ensure that vehicles are not parked on the pavements and walking space of the city by making adequate arrangements for free movement of the pedestrians in various areas of Delhi. ”

2. Having heard the learned counsel for both the parties and looking to the facts and circumstances of the case, and also looking to the counter affidavits and status reports filed by the respondents, together with the orders passed by this Court in this writ petition, suffice will it be, for the disposal of this writ petition, to give directions to the respondents to remove the abandoned vehicles as early as possible and practicable from public roads, public premises, parking lots and from other unauthorized places.

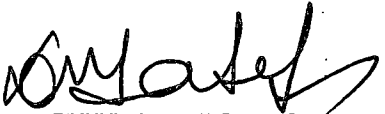
3. Learned counsel for the respondents submitted that there are a variety of authorities who are working in the city of Delhi, for example, parking is maintained by Municipal Corporation, roads having width of more than 60 ft. are owned by Municipal Corporations and maintained by Public Works Department (PWD); registration of vehicles is carried out by the Department of Transport of Government of NCT of Delhi. Therefore, removal of abandoned vehicles depends upon such owning agencies which may be Municipal Corporation, Delhi Development Authority, New Delhi Municipal Council, Delhi Cantonment Board or Delhi Metro Rail Corporation (DMRC) etc.

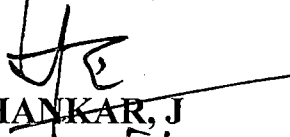
12

4. Learned counsel appearing for DMRC submitted that all the abandoned vehicles in their area have been removed, except 24 vehicles, out of which 23 are stolen vehicles and they are following up with Delhi Police regarding the removal of these vehicles.

5. Looking to the reports and the affidavits filed by the respondents, we direct the concerned respondent authorities to remove abandoned vehicles from public roads, public parking areas and from other public places, as early as possible and practicable. In case there is any stay granted by any competent Court or Tribunal, the same shall be looked into scrupulously before the removal of such vehicles. In relation to the abandoned vehicles, the respondents are also permitted to take actions like auctioning or de-registration of vehicles etc. in accordance with law, rules, regulations and Government policies applicable to the facts of the case.

6. With these observations, this writ petition is disposed of.


CHIEF JUSTICE


C. HARI SHANKAR, J

SEPTEMBER 25, 2019
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