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

+ **W.P.(C) 4765/2018**

ASHWANI KUMAR

..... Petitioner

Through: Ms. Roshni and Mr. Pradeep Kataria,
Adv.

versus

**SOUTH DELHI MUNICIPAL CORPORATION
& ORS**

..... Respondents

Through: Ms. Ruchi Jain, Adv. for R1.
Mr. Naushad Ahmed Khan, ASC
(Civil) for GNCTD.
Mr. Sumeet Pushkarna, Standing
Counsel with Mr. Devanshu Lahiry,
Adv. with Mr. Deshraj, (ZRO) for R7.
Mr. Sunil Fernandes, Standing
Counsel with Ms. Anju Thomas, Adv.
for BSES/R6.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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15.04.2019

This writ petition has been filed by the petitioner with the following
prayers:

“It is therefore most respectfully prayed that this Hon’ble Court may kindly passed orders with regard to the Qutab Institutional Area where illegal dhabas / rehris etc. Have been raised, in the interest of justice, thereby directing Respondents:

- i. to take immediate and prompt action against illegal activities of the dhabas / rehris owners and to submit the action taken*

report before this Hon'ble Court;

- ii. especially to MCD and Police authorities to ensure clearance of public road from dhabas etc. In future also in Qutub Institutional Area;*
- iii. especially to BSES and Police to register cases for theft of electricity against dhabas / rehri owners in Qutab Institutional Area;*
- iv. direct the respondents especially to Delhi Jal Board and Police authorities to remove obstructions created by dhabas / rehri owners by installing their illegal water taps;*
- v. any other and further order (s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case be also passed in favour of the Petitioner. ”*

Respondent /SDMC has filed the status report wherein in Para 7 and 8

it is stated as under:

7. That it is also pertinent to mention here that General Branch, Licensing department and Health Department of South Zone / SDMC are taking regular encroachment removal actions vide which the illegal squatters / encroachers are being removed from time to time.

Furthermore, it is relevant to state here that the answering respondent, SDMC has taken / carried out necessary encroachment removal actions vide dated 11/01/2018, 27/01/2018, 12/02/2018, 20/03/2018, 19/06/2018 and 10/07/2018 at the site in question and also in its surrounding area. During the aforementioned encroachment removal actions some temporary encroachments along with illegal Dhabas have been removed and several articles have also been seized. The photographs taken during the said actions along with copy of seizer memos of the articles seized are annexed herewith Annexure B (Colly)

8. That furthermore, it is submitted that immediately after

taking the aforementioned encroachment removal actions the necessary letters bearing No.1710/AC/SZ/2018 and 1834/AC/SZ/2018 dated 09/08/2018 have also been sent to the concerned DCP requesting therein to direct the concerned police officials to keep vigil in the area so that encroachment shall not take place again. The copy of the letters in this regard are also annexed herewith as Annexure – C (Colly).

In view of the stand taken by respondent / SDMC, this Court is satisfied that for the present, SDMC has taken appropriate action.

It is made clear that if the petitioner is of the view that encroachments have resurfaced, petitioner shall be at liberty to approach this Court by way of a fresh petition.

The petition stands disposed of.

V. KAMESWAR RAO, J

APRIL 15, 2019/jg