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

+ W.P.(C) No.3505/2017

MANUFACTURERS COOPERATIVE

INDUSTRIAL ESTATE LTD.

..... Petitioner

Through : Mr. Vaibhav Mehra and Mr. R. P.
Sharma, Advs.

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through : Mr. Rajan Sabharwal, Standing
Counsel for R-1.

Ms. Meenakshi Jha, Adv. for
Mr. Naveen Kumar Raheja, ASC
for DDA.

Dr. Vikrant Narayan Vasudeva and
Mr. Amar Panwar, Advs. for R-4.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **13.02.2019**

The petitioner society is aggrieved by alleged encroachment on internal public roads of Udyog Nagar Industrial Complex, Rohtak Road, Delhi. The encroachments complained of are by way of *jhuggi* clusters, tea vendors, small tuck shops, *rehriwalas*, *dhabas* and other similar non-permanent and temporary structures.

In affidavit-cum-additional status report dated 2/3.11.2017, respondent No.1/North DMC states that it undertook a joint operation with the police and the Delhi State Industrial and Infrastructure Development Corporation (DSIIDC) on 30.10.2017 and removed the temporary and

permanent structures encroaching upon the roads of the entire industrial area. It further states that a request was made to the SHO, PS : Mianwali Nagar to keep a watch to stop encroachments coming-up on the roads.

Mr. Rajan Sabharwal, learned counsel appearing for the respondent No.1/North-DMC states that the difficulty is that the encroachments of the type complained of keep recurring from day-to-day in the industrial area, since by the very nature of such encroachments, it is almost impossible to ensure that there is no encroachment in any part of the industrial area on a given date. He states that the best way of addressing the issue of such temporary encroachments is to direct the area police to keep a strict vigil through their beat officers and ensure that such encroachments are prevented from occurring in the first instance; and in case such encroachments are found, immediate written information be given to respondent No.1/ North-DMC, which agency would then take action for their removal.

Mr. Sabharwal appearing for respondent No. 1/North-DMC states that the encroachment removal drive is scheduled even for today, that is, 13.02.2019.

Mr. Vaibhav Mehra, learned counsel appearing for the petitioner accepts that such encroachments are removed from time-to-time but says that they tend to come back almost as soon as they are removed.

In this view of the matter, I am of the view that the present petition can be disposed of with the following directions :

- (a) Respondent No.1/North-DMC shall complete the encroachment removal drive which, it is stated, is scheduled for today and remove all encroachments from the internal public roads of the industrial area ;
- (b) Respondent No.5/ Delhi Police shall, through its beat officers of

the area, maintain a strict and continuous vigil to prevent any encroachment on internal public roads from coming-up ; and in the event of any such encroachments being noticed, respondent No. 5 shall immediately issue a written communication informing respondent No. 1/North-DMC of such encroachment;

- (c) Upon receiving any information from respondent No. 5/Delhi Police in the above regard, respondent No.1/North-DMC shall initiate immediate action for removal of such encroachments, in accordance with law.

The petition stands disposed of in the above terms.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 13, 2019

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