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

+ **W.P.(C) 9744/2018**

% **Date of Decision: 27th August, 2019.**

ANIL KAPOOR

..... Petitioner

Through: Mr.Siddharth Arora, Adv. with
Mr.Prashant Vaxish, Adv.

Versus

MUNICIPAL CORPORATION OF DELHI
(SOUTH) AND ORS.

..... Respondents

Through: Mr.Mukesh Gupta, Standing Counsel
with Mr.Shashi Gupta, Adv. for SDMC along with
Abhay Kumar, A.E.(C), South Zone, SDMC.
Mr.Sachin Nahar, Adv. for R-2 & 4.
Mr.Sachin Chopra, Adv. with Mr.Himanshu
Mahajan, Mr.Daksh Arora, Mr.Karan Babuta,
Advs. for R-3/NBWA.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

: **D.N. PATEL, Chief Justice (Oral)**

1. This public interest litigation has been preferred with the following prayers:-

“(a) Pass a writ, order and direction in the nature of mandamus directing the Respondent No. 1 to enforce and implead the directions contained in circular dated 25.06.2007 issued tpy the Additional Commissioner (Engg). attached with office of Respondent No. 1 and upheld by this Hon'ble Court in its Order dated 08.09.2005;

(b) Take on record the Standing Order No. 382/2009 issued by the Delhi Police dated 05.10.2009 and upheld by this

High Court concerning operation of colony gates, and thereafter, pass appropriate directions to Respondent No.3 and 5 to take appropriate steps to enforce such directions;

- (c) Pass a writ, order or direction in the nature of mandamus directing the respondent no. 3 to take cognisance of the factual situation pertaining to N-Block area, Greater Kailash Part 1 and to thereafter, frame guidelines for effective operation of colony gates;*
- (d) Pass a writ, order or direction in the nature of mandamus directing Respondent No. 5 to take cognisance of the ground situation prevailing at N-Block Area, Greater Kailash Part 1 and to thereafter, frame directions for ensuring security to residents, in line with directions contained in Standing Order No. 382/2009 dated 05.10.2009;”*

2. Having heard the learned counsel for the parties and looking into facts and circumstances of the case, it appears that the iron gates erected at N-Block, Greater Kailash Part-I, New Delhi are not opened and closed as per the desire of the petitioner. It is submitted by the learned counsel for the petitioner that the iron gates built in the said residential colony should be physically manned so that in case of any fire or any other emergency, the response vehicles may enter the colony..

3. It appears that the respondents are required to follow the policies which are annexed with the petition as Annexure-4 which is a policy dated 25th June, 2007 formulated by the Municipal Corporation of Delhi and similarly Standing Order No.382/2009 dated 5th October, 2009 issued by the Delhi Police (annexed as Annexure-5). As and when the gates are erected at the residential colonies, the same shall be required to be managed by the

RWA/residents of the colonies as per the aforesaid policies.

4. We see no reason to give further directions to the respondents as to how to operate/manage the iron gates. Everything has been mentioned in the aforesaid policies. Hence, the respondents shall maintain the standards which are mentioned in the aforesaid policies so far as opening and closing of the iron gates is concerned.

5. With these observations, the writ petition is disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

AUGUST 27, 2019
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