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

*Date of decision: 22<sup>nd</sup> October, 2019*

+ **W.P.(C) 11650/2017**

**ANAND PURI GOVIND**

..... Petitioner

Through: Mr. J.P.S. Sirohi and Mr. Sunil  
Sirohi, Advs.

versus

**NORTH DELHI MUNICIPAL CORPORATION & ANR.**

..... Respondents

Through: Mr. Rakesh Mittal and  
Mr. Ajay Harshana, Advs. for R-1  
Mr. Giriraj Subramaniam and Mr. Rohan Jain,  
Advs. for R-2

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**ORDER**

**22.10.2019**

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**D.N. PATEL, CHIEF JUSTICE (ORAL)**

**W.P.(C) 11650/2017**

1. This so called Public Interest Litigation has been preferred with the following prayers :

*“(a) Issue a writ, order, or direction in the nature of mandamus commanding the North Delhi Municipal Corporation /Respondent No. 1 and Delhi Development Authority/Respondent No. 2 to erase the above mentioned zig-zag pathway constructed by the North Delhi Municipal*

*Corporation (Respondent no. 1) and Delhi Development Authority (Respondent no. 2) in February 2017.*

*(b) Issue further writ, order, or direction in the nature of mandamus commanding the Respondent No. 1 and Respondent No. 2 to restore the passage/pathway of about 8 feet width to its original position, which had been existing since long for more than 40 years.*

*Alternatively if the original pathway of 8 feet is not restored to its original position for any reason whatsoever, a round metal/cemented pole may be ordered or directed to be fixed in the center of the 8 feet wide passage to curb the other activities other than the use of passage for egress and ingress purposes.*

*(c) AND further issue any other appropriate writs, order or direction as are deemed fit and proper in the facts and circumstances of the case and to meet the ends of justice.”*

2. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that this petitioner is in search of restoration of the passage/pathway of about 8 feet width to its original position which was in existence since last approximately 40 years in the Karol Bagh area.

3. While taking note of the current scenario, it appears that in the last 40 years traffic has been increased, therefore, footpath is bound to be reduced for widening of the road. However, we direct that respondents shall construct the pathway in accordance with law, rules, regulations and Government policy applicable to the facts of the case, especially keeping in mind the permissible limit of the construction of the pathway in

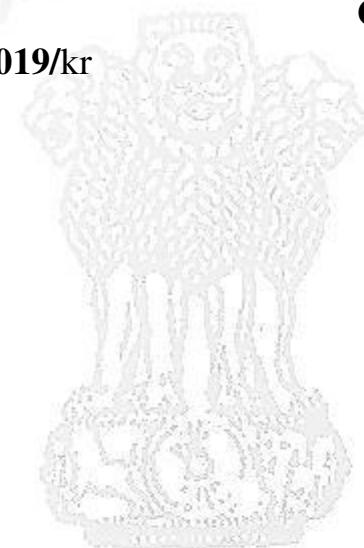
question. We make it clear that this court is not inclined to give any specific direction to the respondents for maintaining the width of the pathway, in question, which was stated to be in existence for the last 40 years.

4. With these observations, this writ petition is hereby dismissed.

**CHIEF JUSTICE**

**C.HARI SHANKAR, J.**

**OCTOBER 22, 2019/kr**



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