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

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Date of Decision: 29.11.2022

% **W.P.(C) 11467/2022**

**LAJPAT NAGAR 3 NEIGHBOURHOOD RESIDENTS
ASSOCIATION (REGD.)**

..... Petitioner

Through: Ms. Anjana Gosain, Ms. Shalini Nair,
Ms. Ritika Khanagwal and Ms.
Dipika Sharma, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

..... Respondent

Through: Mr. Sanjay Vashishta, SC, MCD.
Mr. Santosh Kr. Tripathi, Mr. Arun
Panwar and Ms. Mehak Rankawat,
Advs.
Inspector Abhishek Kr, PS, Lajpat
Nagar.

**CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

SATISH CHANDRA SHARMA, CJ. (ORAL)

1. The present petition has been filed as a Public Interest Litigation by Lajpat Nagar – 3 – Neighborhood Residents Association being aggrieved by illegal occupation/ encroachment in various areas of Lajpat Nagar 3 by vendors/ hawkers. It has been stated that a large number of vendors are

putting up stalls, paan shops as well as other shops in the locality and, therefore, as no action is being taken by the Municipal Corporation of Delhi, the Petitioners have prayed for issuance of appropriate writ, order or direction, directing the Municipal Corporation of Delhi to take action in the matter for removal of vendors and hawkers.

2. In the Writ Petition, it has also been stated that there are a large number of open drains in and around Lajpat Nagar, and the following reliefs have been prayed for by the Petitioners under the relief clause:

“i. Issue a writ of mandamus and direct the Respondents to remove the illegal occupation/ encroachment by vendors/ hawkers in various areas of Lajpat Nagar-III as detailed out in ANNEXURE P-3 (COLLY)

ii. Issue a writ of mandamus and direct the Respondents to cover, clean and close the open drains in and around Lajpat Nagar-III before the onset of monsoon season,

iii. Issue a writ of mandamus and direct the Respondents to remove and clean the horticulture garbage strewn in public parks all over Lajpat Nagar-III, New Delhi,

iv. Pass any other order which this Hon’ble Court may deem fit.”

3. This Court had issued notice in the matter and the Municipal Corporation of Delhi, during the pendency of the Writ Petition has taken effective steps for removal of illegal encroachments in the Lajpat Nagar area and a reply has been filed on affidavit. Paragraphs 1 to 9 of the reply read as under:

“1. That, with respect to the prayer no.1 seeking removal of the illegal encroachment of the hawkers/ vendors in the various areas of the Lajpat Nagar-III, the Hon’ble Court had orally asked/ suggested that the Petitioner herein/ RWA of the Lajpat Nagar - III may identify another suitable site for rehabilitation of Mochi and Dhobi within the Lajpat Nagar - III for the purposes of rehabilitation thereby enabling them to earn their livelihood. That, in furtherance to the suggestion made by the Hon'ble Court, the answering Respondent herein sent a letter dated 10.08.2022 to the President, Lajpat Nagar - III Neighbourhood Residents Association (Regd.), thereby requesting them to identify, such alternative suitable site. A copy of the letter dated 10.08.2022 sent to the President, Lajpat Nagar - III, Neighbourhood Residents Association (Regd.) is annexed herein as ANNEXURE C - 1.

2. That, the answering Respondent further sent a reminder letter dated 07.10.2022 to the President of the Lajpat Nagar - III Neighbouring Residents Association (Regd.), thereby requesting them to identify another suitable site to accommodate Mochi and Dhobi thereby enabling them to earn their livelihood in order for the answering respondent to process the matter accordingly. A copy of the reminder letter dated 07.10.2022 is annexed herein as ANNEXURE C -2.

3. That, despite not receiving any reply from the Petitioner Association, the answering Respondent in order to redress the grievance of the Petitioner Association had fixed a special programme for removal of temporary illegal encroachments in the area of Lajpat Nagar-III and the other surrounding areas and has fixed the same on 10.10.2022 at 10:00 AM onwards, for which the adequate police support was sought and accordingly a letter dated 07.10.2022 was sent to the Deputy Commissioner of Police, South East District. A copy of the letter dated 07.10.2022 sent to the Deputy Commissioner of Police, South-East, is annexed herein as ANNEXURE C - 3.

4. It is stated that with the help of the police force provided by the Lajpat Nagar Police Station, the special programme fixed for the removal of temporary illegal was successfully carried

out and all the temporary illegal encroachments was removed from the area of the Lajpat Nagar - III, except for the area covered by the Mochis and Dhobis inasmuch as the answering Respondent was awaiting the reply of the Petitioner Association. That, after successfully removing all the temporary illegal encroachments the answering respondent sent a letter dated 11.10.2022 to the Deputy Commissioner of Police, South District, thereby requesting him to direct the concerned ACP/SHO to ensure the area is not reoccupied by the encroachers, a copy of which was also sent to the SHO Lajpat Nagar. A copy of the letter dated 11.10.2022 is annexed herein as ANNEXURE C - 4. A copy of the Photographs thereby showing the removal of the temporary illegal encroachment is annexed herein as ANNEXURE C-5 (COLLY).

5. That, it is pertinent to note that the petitioners have not reverted back to the letter dated 10.08.2022 and had not suggested any such alternative and suitable site for accommodation of the vendor/ hawkers by the time special programme for removal of temporary illegal encroachments initiated i.e.. on 10.10.2022. That, it is only on 11.10.2022 that the Petitioner Association replied to our letter dated 07.10.2022, thereby denying to provide any such suitable alternative accommodation for vendors and hawkers and stated that they only seek removal of the encroachments being done outside the designated zones of the vendors and hawkers. A copy of the letter dated 11.10.2022 is annexed herein as ANNEXURE C-6.

6. That, with respect to the prayer no. 2, the answering respondents has taken multiple steps in order to redress the grievances of the Petitioner Association herein and covered all the open drains in and around the Lajpat Nagar –III area. A copy of the photographs thereby showing open drains being covered are annexed herein as ANNEXURE C-7 (COLLY).

7. That, the Petitioner herein had also raised a grievance in form of prayer no. 3, for removal and cleaning the horticulture garbage strewn in public parks all over the Lajpat Nagar – III. That, with respect to the same, it is stated that the answering

respondents has taken steps in order to redress the same and have cleaned all the public parks all over the Lajpat Nagar – III. A copy of the photographs to showcase the clean public parks all over the Lajpat Nagar – III is annexed herein as ANNEXURE C-8 (COLLY). A copy of the letter dated 17.10.2022 by horticulture department informing about cleaning of parks is annexed herein ANNEXURE C-9.

8. *That, it is pertinent to note that the photographs annexed herein will show case that all the grievance of the Petitioner association have been taken care by the answering Respondent and nothing remains in the instant Writ Petition and hence it is liable to be dismissed as infructuous.*

9. *That, the answering Respondent further craves leave to refer, rely and respond to the allegation of the Petitioner and/or counter the contrary facts alleged in detail and as should the need arise by way of another affidavit. ”*

4. The reply filed in the matter makes it evident that all the open drains in the locality in and around Lajpat Nagar area have been covered and the learned Counsel for the Petitioner was fair enough in admitting the aforesaid aspect that the drains have already been covered in the locality.

5. Learned Counsel for the Petitioner has also informed this Court that the temporary structures/ encroachments have also been removed from the area except the dhobis and mochis.

6. The learned Counsel was also fair enough in stating before this Court that the resident welfare association shall be providing appropriate places for the dhobis and mochis in consultation with the Municipal Corporation of Delhi as the washermen and the cobblers are in fact catering to the needs of the residents of the locality. It has also been brought to the notice of this Court that the Municipal Corporation of Delhi has also cleared all the parks

by removing the green wastage and garbage in Lajpat Nagar 3 and the learned Counsel for the MCD has categorically stated before this Court that removal of garbage and cleaning of parks is a regular ongoing process and that they shall be cleaning the garbage and maintaining the parks in the future as well.

7. Learned Counsel for the Petitioner has also stated that in case need so arises in future, the Petitioner association shall be directly making a request to the Municipal Corporation of Delhi for removal of difficulties, if any, and the Corporation be directed to cooperate with the Resident Welfare Association.

8. Learned counsel for the Corporation has fairly accepted the proposal and has stated that in case in future there is any encroachment in the locality, the same can be brought to the notice of the Corporation for appropriate action in the matter and, in respect of any other matter, the Resident Welfare Association is free to approach the Corporation and their genuine grievances will certainly be looked into by the Corporation.

9. In the light of the aforesaid, no further orders are required to be passed in the present PIL. The same stands disposed of accordingly.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J.

NOVEMBER 29, 2022 /N.Khanna