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

+ **W.P.(C) 92/2024**

PATPARGANJ FIE ENTREPRENEURS ASSOCIATION (REGD)
THROUGH ITS GENERAL SECRETARYPetitioner

Through: Mr. Pushkar Sood, Ms. Shikha Sood,
Mr. Satya Prakash Singh and Ms.
Monika Saini, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Mr. Manu Chaturvedi, SC for MCD.
Mr. Prashant Manchanda, ASC for
GNCTD with Ms. Haridas Medha,
Ms. Ankita Singh and Ms. Nancy
Shah, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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09.09.2024

CM APPL. 52560/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 52500/2024 (filed by the petitioner seeking correction of order dated 02.09.2024)

3. Having perused the reasons assigned in the application, the Court finds that in the order dated 02.09.2024, on account of inadvertence, in paragraph no.3, the correct report i.e. *Annexure –C* of the instant application (from page 14 to 15), could not be reproduced.



4. Accordingly, the order dated 02.09.2024 stands modified and shall now be read as under:-

1. *The petitioner in the instant writ petition seeks for the following reliefs:-*

"(a) Pass an appropriate Writ, Order or direction quashing .. impugned letter dated 27.12.2023 issued by Municipal Corporation of Delhi and further declare the alleged parking site as proposed by letter dated 27.12.2023 as illegal;

(b) Pass an appropriate Writ, Order or direction, directing Respondent No.2 IDSIIDC to develop the existing parking lots within Patparganj Industrial Area;

(c) Pass any other order or further orders as this Hon'ble Court may deem fit and proper in favour of the Petitioner and against the respondent."

2. *In compliance of the directions dated 26.02.2024, a survey in respect of the alleged impugned parking site in front of Nursery and Car Showrooms at Patparganj Industrial Area was conducted.*

3. *The Survey Report placed on record by ACP/TI East reads as under:-*

"During survey on 13/03/2024, Sh. Sonu @ Amit Kumar handed over the site map of parking site and identified the allotted parking site which starts from Zedex Skoda Showroom, Plot No-23, Patparganj Industrial Area up to Uttam Toyota Showroom Plot No-95. Patparganj Industrial Area. The Municipal Corporation of Delhi officials further informed that the parking on both side of road in horizontal line is awarded/allotted. Upon measurement, it was observed that the average width of the motorable road of the alleged parking site is 14.22 meters.

It is important to note that initially, the No Objection Certificate (NOC) was issued for a vacant land in front of nursery and car showroom. While seeking the NOC Municipal Corporation of Delhi has mentioned the address of parking site "In front of Nursery & Car Showroom at Patparganj Industrial Area". Hence, the NOC was given for vacant land in front of car showroom. Patparganj Industrial Area and photographs of vacant land was also attached while giving NOC. The NOC by Traffic Police was not given for the road on which MCD allotted the parking but for the adjacent vacant land.

However, during the survey, it was discovered that the Municipal



Corporation of Delhi has marked parking spaces from Zedex Skoda Showroom, Plot No- 23, Patparganj Industrial Area up to Uttam Toyota Showroom Plot No-95, Patparganj Industrial Area on both sides of the carriageway. This arrangement could potentially impede the smooth flow of traffic and may cause congestion on this road.

Therefore, it is recommended that parking be limited to one side of the carriageway, specifically the opposite side of the showrooms i.e. from Zedex Skoda Showroom, Plot No- 23, Patparganj Industrial Area up to Uttam Toyota Showroom Plot No-95, Patparganj Industrial Area. Alloting parking on only one side will ensure adequate parking space while maintaining the smooth flow of traffic on this road.

Submitted please for further necessary action.”

4. *As per the report of the survey, it is seen that the recommendation is made to the effect of parking be limited to one side of the carriage way, specially the opposite side of the showrooms i.e., from Zedex Skoda Showroom, Plot no.23, Patparganj Industrial Area up to Uttam Toyota Showroom Plot no.25, Patparganj Industrial Area.*

5. *The Survey Report further states that allotting parking on only one side will ensure adequate parking space while maintaining the smooth flow of traffic on the road in question.*

6. *The Court is of the considered opinion that once the traffic police has made certain recommendations for smoothening the traffic situation, the same shall be respected under the facts of the present case. Accordingly, the impugned letter dated 27.12.2023 passed by the respondent-MCD needs to be revisited. The respondent-MCD, however, shall be at liberty to take fresh steps, taking into consideration the Survey Report.*

7. *Learned counsel appearing for the respondent-MCD, vehemently submits that the traffic police has granted the NOC with respect to the site in question where, the respondent-MCD intends to earmark the parking.*

8. *The Court in the instant case, does not require to deal with the aforesaid controversy. The respondent-MCD shall be at liberty to agitate the same before the appropriate authority if such an issue eventually arises.*

9. *In the instant case, the Court is only concerned with the feasibility*



of the present site as to whether the same would be in the larger public interest or otherwise.

10. Since the Traffic Police suggested a particular way to earmark the parking in question, accordingly, the Court deems it appropriate to direct the respondent-MCD to take necessary steps in view of the Survey Report submitted by the Traffic Police.

11. All rights and contentions of the respondent-MCD stands reserved and accordingly, the instant writ petition along with pending application stands disposed of.”

5. In view of the aforesaid, the application stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 9, 2024/p