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

+ **W.P.(C) 254/2022**

MS. MUSKAN MALHOTRA.

.....Petitioner

Through: Mr. Gagan Gandhi and Mr. Vijay
Kumar, Advocates.

versus

THE COMMISSIONER OF POLICE AND ORSRespondents

Through: Mr. Ram Majid, CGSC with Mohd.
Suboor, Advocate for R-1 to 3 with SI
Yogendra Kr. and ASI Jaipal, Rajouri
Garden, Traffic Circle.
Mr. Prithish Sabharwal, Advocate for
MCD.
Mr. Biraja Mahapatra and Mr. Nalin
Hingorani, Advocates for R-5.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

12.11.2024

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1. The present writ petition seeks removal of unauthorized parking of vehicles on both sides of road namely "Sat Guru Ram Singh Marg" starting from Kirti Nagar Metro Station till Zakhira. Accordingly, Petitioner seeks a direction to Respondents No. 1 to 3 to issue challan to the concerned vehicle owner for the unauthorized parking along with a direction to Respondent No. 6 to install "No Parking" signboards on the said road.
2. Taking note of the Petitioner's concern, on 23rd February, 2023, the following order was passed:



- “1. This hearing has been done through hybrid mode.
- 2 The present petition has been filed by the Petitioner seeking issuance of directions to Respondents to remove the unauthorised parking of vehicles on both sides of the “Sat Guru Ram Singh Marg” starting from Kirti Nagar Metro Station till Zakhira.
3. As per the affidavit of the Delhi Police, on the road starting from Kirti Nagar Metro Station to Zakira, there are several banquet halls which are running, which leads to congestion. However, a perusal of the photographs would show that there are a large number of heavy vehicles including trucks, which are parked on both sides of the road.
4. Today, Mr. Rajnikant, Traffic Inspector from Punjabi Bagh circle is present in Court. He submits that the trucks which are parked on both sides of the road are due to the loading and unloading activities in connection with the industrial area and Kirti Nagar Furniture Market. The said road i.e., Sat Guru Ram Singh Marg is not prohibited for the entry of trucks during the day time as well as the night time.
5. Considering this statement made by the concerned Traffic Inspector, Mr. Saurabh Chandra, DCP (Traffic) of the concerned area and Mr. Sanjai Sen, DCP (Central) shall hold interactions with the Resident’s Welfare Association and the Trader’s Associations of the area as also the banquet hall owners.
- 6 After conferring with them, they shall place a joint report before this Court as to whether the congestion could be avoided by restricting access to the road for trucks during the day time.
7. The said meeting shall take place on 13th March, 2023 (Monday) at 11am. If subsequent interactions are required, the DCPs may fix dates for subsequent interactions.
- 8 The report shall be placed on record at least one week before the next date of hearing.
9. The Petitioner as also the police authorities shall place video clips of at least one minute each taken on three separate randomly chosen days, on a pen drive, for the perusal of the Court on the next date of hearing.
10. List on 3rd May, 2023.”



3. In compliance with the afore-noted order, the Deputy Commissioner of Police, Legal Division, PHQ filed a status report which reads to the following effect:

“1. That the present status report is being filed with reference to order dated 23.02.2023 passed by Hon'ble Court in the captioned matter.

2. In pursuance of the directions contained in the order, total three meetings were convened on 13-03-2023, 20-03-2023 and 25-03-2023, under the chairmanship of Sh. Saurabh Chandra, DCP/T/ Western Range, Delhi and in the presence of Sh. Ghansyam Bansal DCP/West Distt. The meeting was also attended by representatives of market association, traders association, banquet hall owners etc. and officials from MCD. In the said meeting, advocate of petitioner was also present.

3. After three rounds of meetings, it has emerged that Satguru Ram Singh Marg being an industrial road/area, no traders, transporters or company has agreed to the proposal of restricting entry of Trucks, during the day time, on this road, as the same will adversely affect their business. However, it has been suggested that there should be a paid parking lot for the goods vehicles so that the vehicles can be parked there instead of road. The advocates for the petitioner have also suggested that parking lot is the only solution of congestion and improper parking.

4. It is submitted that the present respondent is ready to abide by any direction which may be passed by this Hon 'ble Court.”

4. In the above-extracted report, Delhi Police suggested that there should be a paid parking plot for the vehicles so that the vehicles can be parked there instead of on the road.

5. Further, in terms of order dated 23rd February, 2023, joint meetings were held between Petitioner and concerned stakeholders and a resolution was worked out on 20th March, 2023, in terms whereof, Municipal Corporation of Delhi¹ had decided to designate a piece of land for the purpose of paid parking.

6. In terms of the latest report filed by MCD, it has been stated as under:



“I, Vijay Kumar S/o Sh. Ram Naresh Singh, aged 46 years, working as Assistant Commissioner, Karol Bagh Zone do hereby solemnly affirm and declare as under:-

- 1. That presently I am working as Assistant Commissioner, Karol Bagh Zone, Municipal Corporation of Delhi and being conversant with the facts and circumstances of the case on the basis of available record of the case as maintained with the department competent to swear this affidavit.*
- 2. That the present report is being filed in compliance of the order dated 30.09.2024 passed by the Hon'ble High Court of Delhi.*
- 3. That it is submitted that the answering respondent has been taking encroachment removal actions in the area of Satguru Ram Singh Marg starting from Kirti Nagar to Zakhira on regular basis. It is submitted that during the said actions the temporary encroachments are being removed from the area in question.*
- 4. That recently the department has undertaken encroachment removal drive on 23.10.2024. During action, temporary encroachments found in the area/on the road were removed and the articles/goods were removed/impounded. The photographs taken during the encroachment removal action on 23.10.2024 are annexed herewith as **Annexure-A (colly)**.*
- 5. It is submitted that encroachment removal is a continuous process and answering respondent regularly deals with the same. After every encroachment removal action the local police is also intimated to keep watch and ward over the area so that the re- encroachment does not take place.*
- 6. That the answering respondent has been taking steps to allot a parking site to avoid encroachment on public road and as per information received from the Remunerative Project Cell, MCD the parking site namely “Rama Road, Satguru Ram Singh Marg, Karampura, Karol Bagh Zone has been put on E-Tender on various occasion in approximately 10-12 NITs, however no bid has been received for this site.”*
- 7. A copy of the above-noted status report has been provided to the**

¹ “MCD”



Court Master and is taken on record.

8. Mr. Pritish Sabharwal, counsel for MCD, states that MCD has issued E-tenders in approximately 10-12 Notice Inviting Tenders for the purpose of paid parking of the identified parking site, however, no bid has been received yet. He further states that as and when tender is awarded, the area will be earmarked for paid public parking.

9. In light of the above, till paid public parking is operationalized, Respondents are directed to ensure that there is no unauthorized parking on the road. In the meantime, MCD shall continue with the tendering process.

10. With the above directions, the present petition along with pending application(s), if any, is disposed of.

SANJEEV NARULA, J

NOVEMBER 12, 2024

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