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

+ **W.P.(C) 7059/2022**

UTTAM KUMAR & ORS.

..... Petitioners

Through: Mr. Harsh Sharma and Mr. S. Diwedi,
Advocates

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS.

..... Respondents

Through: Ms. Sangeeta Chandra, Standing
Counsel for MCD
Ms. Sweety Singh, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

16.04.2024

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1. None appears for the respondent no. 3 to 6, office bearers of RWA's despite service.

2. The petitioners have filed the present petition *inter alia* praying as under:

"1. issue an appropriate writ, order or direction to respondent no. 1 to 6 restraining them from interfering in running market of "Wednesday market"/"Budh Bajar" at 40 ft. road (chinmaya Scholl to water Tank), CPWD Colony, Vasant Vihar, New Delhi. "

3. The petitioners' grievance essentially relates to the gate that has been fixed by the Resident Welfare Association of the CPWD Colony, Vasant Vihar. The petitioners claim that they are holding a weekly market in *Budh Bazaar* on a stretch of a road as demarcated by the Municipal Corporation of Delhi. However, the said stretch is marked by two sign boards fixed by the MCD. They allege that members of the RWA had removed the sign boards



and had installed a gate, which impedes their access to a part of the stretch of road on which *Budh Bazaar* market is held. It is also claimed that the said gate has been put without the requisite permission.

4. The MCD has filed an affidavit affirming that the gate in question has been installed “on an MCD thoroughfare being Rebu Saxena Marg” and the Rebu Saxena Marg is maintained and comes under the jurisdiction of the MCD. The other respondents have not contested the said affidavit.

5. Learned counsel appearing for the petitioners submits that the petitioners will be satisfied if the MCD is directed to put back the boards to mark the stretch on which permission has been granted to hold the weekly market.

6. The learned counsel appearing for the MCD submits that there is no difficulty in doing so and will fix two sign boards to clearly demarcate the stretch of land on which the weekly market can be held. She also states that petitioners’ grievance regarding the gate is resolved as the RWA has informed the MCD that the gate will remain open.

7. In view of the above, we dispose of the present petition by directing the MCD to fix sign boards as stated above.

8. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

APRIL 16, 2024

g.joshi

Click here to check corrigendum, if any