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

+ **W.P.(C) 4940/2024**

ANKUR GUPTA

.....Petitioner

Through: **Mr. Vipin Kumar Mishra, Adv.**

Versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: **Mr. Abhinav Sharma and Mr.
Mahender Shukla, Advs. for MCD
Mr. Anupam Srivastava, ASC,
GNCTD with Mr. Vasuh Misra, Adv.
with SI Harish, P.S. Lahori Gate
Mr. Govind Srivastav, Adv. for R-3**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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07.08.2024

1. The status report filed by the Corporation reads as under :-

"1. That I am presently working with answering Respondent- MCD. I have been authorized to depose the present affidavit being conversant with facts of the case as brought out from the records. I am competent to depose the present affidavit in my official capacity.

2. That it is respectfully submitted, encroachment removal action at Church Mission Road, Fatehpuri, Khari Baoli, Delhi and surrounding area has been taken regularly by the concerned officials of the MCD. In this regard, it is submitted that during encroachment removal action, the temporary encroachment was removed from the area and goods found encroaching the area were seized and deposited in the Municipal Store. The actions have been taken on 29.05.2024 and 12.06.2024.

3. That it is further submitted that Hon'ble Supreme Court of India in WP (C) No.1699 of 1987 dated 05.05.2006 was pleased to issue direction that "we further direct the Delhi Police that whenever hawkers are removed from the non-hawking zones they shall see it that those areas are not reoccupied by them. We, hereby declare that every station house officer shall be held personally responsible if such hawkers reoccupy the areas from which they have been evicted"



4. That, after encroachment removal action, prevention letters dated 13.06.2024 & 29.05.2024 have been sent to the SHO, P.S. Lahori Gate to ensure that no re-encroachment takes place at the cleared site in compliance of order dated 05.05.2006 in WPC No. 1699 of 1987 passed by Hon'ble Supreme Court of India. Copies of letters dated 13.06.2024 & 29.05.2024 addressed to SHO P.S. Lahori Gate are being filed herewith as Annexure-A (COLLY). Photographs taken during encroachment removal action on the aforesaid dates are being filed herewith as Annexure-B (Colly).

5. That it is submitted that the respondent/MCD has already taken remedial measures for removal for encroachment in the area of Church Mission Road, Fatehpuri, Khari Baoli, Delhi and surrounding.

6. That it is submitted that the deponent assures this Hon'ble Court that it will continue to take actions for removal of temporary encroachments from the area as duty bound.

7. That it is submitted that sincere efforts are being made by the officials of the Municipal Corporation of Delhi to make the entire area of City-S.P. Zone encroachment free.”

2. In view of the Status Report filed by the respondent-Corporation to which there is no objection/rejoinder, the Court at this stage, is not inclined to keep this petition pending on its Board, instead grants liberty to the petitioner to re-agitate the issue in case the petitioner still has any grievance with respect to the cause shown in the instant petition.

3. Reserving that liberty in favour of the petitioner, the petition stands disposed of.

4. In case the petitioner approaches the concerned authority, the necessary action be taken, in accordance with law.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 7, 2024

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