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

+ **W.P.(C) 5194/2024**

TARA PALACE HOTEL

..... Petitioner

Through: Mr. Manish Sharma and Mr. Ninad
Dogra, Advocates.

versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Mohit Bhardwaj, Advocate for R-
1.
Mr. Abhinav Sharma, Additional
Standing Counsel for MCD.
SI Priyank Rana, PS Daryaganj.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

21.05.2024

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1. The Petitioner has approached this Court with the following prayers:

“(a) In the nature of mandamus directing respondent No.1 to remove the nuisance i.e. dumped garbage and illegally parked vehicles from Mark B in private space of 13’-3” width of property Municipal No. 4606 built on portion of plot no. 13 situated at Ward No. XI, Ansari Road, Darya Ganj, New Delhi-110002

(b) In the nature of mandamus directing the respondents to open the iron gate shown as Mark C of street illegally closed in front of the above premises of petitioner which is connecting to the main road.

2. As far as prayer (a) of the writ petition is concerned, it is the case of the Petitioner that Respondent No.1 has parked vehicles in the property



belonging to the Petitioner. When this Court suggested to the learned Counsel for the Petitioner that the remedy of the Petitioner for prayer (a) lies in filing a suit for injunction after proving its title, the learned Counsel for the Petitioner seeks liberty to take appropriate steps as available to the Petitioner in accordance with law. Liberty is granted.

3. As far as prayer (b) is concerned, the layout plan shows that a gate has been put on a municipal road which connects Shanti Van Road to 40 feet road.

4. This Court *vide* Order dated 13.09.2023 passed by this Court in **W.P.(C) 17773/2022** in the case of “Eden Castle School and Anr. vs. Govt. of NCT of Delhi and Ors” has held that public roads cannot be blocked during day time.

5. Learned Counsel for the MCD states that the gate which connects Shanti Van Road to 40 feet road as given in the lay out plan will be opened. The MCD is directed open the said gate within three days from today.

6. With these observations, the writ petition is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

MAY 21, 2024

S. Zakir