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

+ W.P.(C) 1517/2018 & CM APPL. 46273/2018

PITAM PURA DEVELOPMENT MONITORING
SOCIETY (REGD) THROUGH IT'S GENERAL
SECRETARY SH. V.K.SHARMA

.....Petitioner

Through: Mr. Udit Dwivedi, Advocate
[9958882392].

versus

NORTH DELHI MUNICIPAL
CORPORATION AND ORS.

.....Respondents

Through: Mr. Rakesh Mittal, Standing
Counsel with Mr.Ajay Harshana,
Ms. Yamini Mittal, Advocates for
MCD.

Ms. Harshita Nathrani, Adv for
Mr. Sameer Vashisht,
ASC(CIVIL), GNCTD for R-2 and
4.

Mr. Sanjay Vashishtha, Ms.
Vasudha Saini, Ms. Harshita Rai,
Advocates for R-3.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
01.10.2024

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1. The petitioner has filed this petition, under Article 226 of the
Constitution, for the following reliefs:

*“a) A direction, order or writ in the nature of mandamus or any other
appropriate writ thereby directing the respondents to remove all
illegal encroachments in CD block, Pitampura, Delhi especially on
adjoining wall of the Maharaja Agrasen Model School 85 Adharshilla
school Pitampura, Delhi and to ensure that permanent as well as*



temporary shops / unauthorized hawkers / vendors etc are removed from the pavements;

b) Directions to Respondent to ensure that the pavements is maintained encroachment free and that such encroachments do not crop up;

c) Necessary action against the persons / authority / departments etc who are liable / responsible for the above said encroachment which cause danger to life of residents as well as school children's :

d) Pass any such other and further order(s) as this Hon'ble Court may deem fit and necessary, in the interest of justice."

2. Municipal Corporation of Delhi has filed a status report dated 01.05.2024, in which it is stated as follows:

"5. That after the aforesaid inspection, a joint encroachment removal program was carried out on 29.04.2024 alongwith the PS Maurya Enclave. During the said action, one Iron Bench, one Wooden Old Counter, three Advertisement Boards, one Iron Counter, two Wooden Counter, one Wooden Fatta, Ice Cream Box, one old Plastic Stool, Carrat having some narial & four Vegetable Carrat has been removed. The Copy of seized list is enclosed herewith as Annexure-"A". The photographs before & after the encroachment removal action are being filed as Annexure-"B" (Colly). Further, a letter bearing no. 96/ AC/KPZ/2024 dated 29.04.2024 has been sent to SHO PS Maurya Enclave, Pitampura, Delhi for keeping vigil that the vacated area be not re-encroached/re-occupied by anyone. A copy of said letter is also annexed herewith as Annexure-"C."

3. Mr. Udit Dwivedi, learned counsel for the petitioner, however, raises a grievance that the encroachments have re-appeared in the area.

4. The fact that an encroachment removal exercise was carried out in April, 2024 is not disputed. However, in cases of encroachment, action by the statutory authorities has to be taken regularly and constant vigilance is required. The respondents are therefore directed to inspect the area again within the next two weeks and take further action, as necessary in law.

5. Further, the respondents are directed to nominate a Nodal Officer, whose phone number will be given to the petitioner also, so that any grievances with regard to encroachment at public places can be raised to



the Nodal Officer, who will have the responsibility of taking necessary remedial measures.

6. The petitioner may approach the Court afresh, if the necessity so arises.

7. The writ petition, alongwith the pending application, is disposed of with the aforesaid directions.

PRATEEK JALAN, J

OCTOBER 1, 2024

'Bhupi' /