



\$~52

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

+ **W.P.(C) 13613/2023**

MITHUN KUMAR & ORS.

.....Petitioners

Through: None.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Ms.Beenashaw Soni, SC for MCD
with Ms.Mansi Jain, Adv.
Ms.Megha and Ms.Garima Jain, Advs
for R-5.
Mr.Santosh Kumar Tripathi,
SC(Civil) with Mr.Utkarsh Singh,
Adv.
ASI Satender Kumar, Karol Bagh
Circle, Insp Deepak Bhardwaj, TI
Karol Bagh Circle, SI Vivek Parshad
Nagar and ASI Devender Singh, Parvi
Officer Traffic.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

23.07.2024

1. Respondent no.3 has filed its Status Report. Paragraph no.3 thereof reads as under:-

"3. That from the perusal of record it appears that the Complainant filed various complaints in this regard to Delhi Police and Civic Agencies i.e MCD, DDA, DM, SDM etc. but no action has been taken. That it is respectfully submitted that the same is in the express domain/jurisdiction of the civic bodies.

4. That it is respectfully submitted that the area of Bapa Nagar and its adjacent area i.e Hardhyan Singh Road, Dev Nagar are densely



populated mostly inhabited by Labour Class people. This massive influx of population in this area is due to burgeoning wholesale garment market in Tank Road in the area of PS Prasad Nagar. Some of the Labour earn their livelihood by selling vegetables, food and other household items at the roadside through small wooden cart or kiosks. Bapa Nagar is an unplanned residential area where primarily lower middle and poor class living in ghettos. Residents have no place to park the vehicles but on roads which cause obstruction.

5. That it is respectfully submitted that relevant action U/s 283 IPC against the illegal encroachment is taken in a routine manner. In the year of 2022, total 154 cases U/s 283 IPC were registered in PS Prasad Nagar against the illegal encroachment while in 2023, a total of 172 cases U/s 283 IPC were also registered against the illegal encroachment. In addition to the said cases, regular drives to remove the illegal encroachment along the roadside are also conducted in coordination with MCD.

6. That with regard to unauthorized/illegal parking raised by the petitioner. it is submitted that the issue of parking falls under the jurisdiction of MCD as public lands are owned by MCD and there is no report of any individual named Pintu at Police Station Prasad Nagar. Nonetheless, routine patrols and other initiatives are implemented to control crime in the area. There is no evidence that illegal hawkers/vendors are on rise in PS Prasad Nagar. The police station has consistently taken lawful measures against unauthorized encroachments, as outlined in the paragraphs above.

7. That with regard to issue of license of Beef selling dhabas, it is respectfully submitted that the issuance of licenses for operating Beef-selling Dhabas does not fall under the jurisdiction of the Police Authority and any complaints regarding pollution caused by such Dhabas are forwarded to the MCD for necessary action.

8. That it is respectfully submitted for illegal/ unauthorized encroachment, necessary action under Section 283 of IPC has been initiated and drives to remove illegal encroachments are conducted regularly with the assistance of MCD.

9. That in view of the aforesaid, it is respectfully submitted that Delhi Police takes all necessary measures in accordance with the law to prevent illegal hawkers/vendors and the undersigned is ready to abide by all the direction(s) passed by this Hon'ble Court"

2. Status Report on behalf of respondent-DDA also appears to have been



filed and it reads as under:-

" 7. That the aforesaid action taken was also discussed in the 123rd meeting of the Special Task Force which was held on 15.12.2023 and it was informed that the encroachment removal actions were taken on 27.10.23 and 06.11.2023, respectively. Copy of the relevant page extract of the Minutes of the Meeting of the 123rd meeting of the Special Task Force is annexed herewith as Annexure R-3(Colly.)

8. That the present Affidavit has been drafted by the counsel under my instructions and the contents of the same have been explained to me which I have understood to the best of my knowledge. The contents of the present affidavit are true to the best of my knowledge and belief.

9. That the Respondent No. 5/ STP reserves their right to file Additional Affidavit should it be required or instructed by this Hon'ble Court."

3. The S.H.O. in its affidavit has indicated various actions which have been taken against the encroachers.

4. Since none appears for the petitioner, the Court is not inclined to keep the instant petition pending and while recording satisfaction to the steps taken by the respective respondents, disposes of the instant writ petition with liberty to the petitioner to re-agitate the issue before the concerned authority in case the petitioner finds that the grievance still subsists.

5. Respondent no.1 is permitted to place on record its Status Report.

PURUSHAINDRA KUMAR KAURAV, J

JULY 23, 2024/MJ