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

+ **W.P.(C) 15074/2023**

KAMRUDDIN

.....Petitioner

Through: Mr. Mohd. Shariq, Mr. K.S. Arya,
Ms. Shagufta Praveen and Mr. Tilak
Raj, Advocates.

versus

**AGRICULTURE PRODUCE MARKETING COMMITTEE (APMC)
& ORS.**

.....Respondents

Through: Mrs. Avnish Ahlawat, SC with
Mr. Nitesh Kumar Singh,
Ms. Laavanya Kaushik, Ms. Aliza
Alam and Mr. Mohnish Sehrawat,
Advocates for R-1.
Mr. Karn Bhardwaj, ASC with
Mr. Shubham Singh Rajat Gaba and
Mr. Saurabh Dahiya, Advocates for
R-4.

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

ORDER

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09.09.2024

CM APPL. 52290/2024 (for early hearing)

1. For the grounds and reasons stated in the application, the application is allowed and with the consent of parties, the main petition is taken up for hearing today itself.

2. Disposed of.

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3. The Petitioner is the owner of Shops No. 27 and 153 in the Chaudhary



Chetram Fruit and Vegetables Market, Keshopur Subzi Mandl, Tilak Nagar, New Delhi-110018. He asserts that he has a valid license to operate as “Aadti” in Keshopur Mandi, as a “B” and “A” license holder, and accordingly, he has been running the aforesaid shop for a long time. His grievance is that there are unlicensed vendors and traders in the entire Keshopur Mandi who are illegally encroaching on the area. In this regard, the Petitioner, as the General Secretary of the Keshopur Subzi Mandi Aadti Association, filed W.P.(C) 16557 of 2022 seeking directions for removal of the said encroachment from the Keshopur Subzi Mandi area.

4. The aforesaid writ petition was disposed of *vide* order dated 2nd December, 2022, whereby Respondent No. 1 - Agriculture Produce Marketing Committee¹ was directed to consider the complaints of the Petitioner and pass orders for resolution of the matter. It is contended that despite the aforesaid directions, the encroachers have not been removed. The Petitioner further alleges that he has been receiving threats from the encroachers and has made complaints to the police authority regarding the same, but the said police complaints have also not borne any fruitful results.

5. Mrs. Avnish Ahlawat, counsel for Respondent No. 1 submits that the APMC has informed the Petitioner that they regularly undertake encroachment drives to remove the illegal and unauthorised vendors from the market yard on a routine basis. Further, in their short counter affidavit, Respondent No. 4 – the SHO PS Tilak Nagar, has also stated that encroachment removal drives have been conducted on previous occasions as and when requests have been received from Respondent No. 1. In this regard, they place reliance on Annexure R-2 of their counter affidavit, which



is request received from APMC on 25th February, 2024, for providing police personnel for the encroachment removal drive, pursuant thereto, the drive was conducted successfully. The SHO has also confirmed that they shall continue to provide police force and support whenever required by APMC in the future. Mr. Karn Bhardwaj, counsel for Respondent No. 4, further submits that another encroachment removal drive was conducted by the respondents today itself.

6. Considering the above, since the Respondents are cognizant of the issue and they are undertaking the necessary removal drives on routine basis, in the opinion of the Court, the present writ petition can be disposed of with a direction to Respondent Nos. 1 to 3 to examine the Petitioner's complaint and take suitable action. If APMC would need the assistance of Respondent No. 4, a request to that effect can be made, to which Respondent No. 4 shall provide adequate support to remove the encroachment.

7. With the above directions, the writ petition is disposed of.

SANJEEV NARULA, J

SEPTEMBER 9, 2024

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¹ "APMC"