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

+ W.P.(C) 13081/2019

JAMIA ARABIA NIZAMIA WELFARE
EDUCATION SOCIETY

.....Petitioner

Through: Ms.Rakesh Lakra and Ms.Kanika,
Advocate (Through VC)

versus

SOUTH DELHI MUNICIPAL CORPORATION
AND ORS.

.....Respondents

Through: Mr.Anil Soni, CGSC and
Mr.Devratt Yadav, GP for UOI.
Mr.Biraja Mahapatra and Mr.Nalin
Hongorani, Advocates for DPCC
Mr.Sanjeev Sabharwal, Standing
Counsel with Ms.Shweta Singh,
Advocate for MCD
Ms.Harshita Nathrani, Advocate
for Mr.Sameer Vashisht, ASC for
GNCTD

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
22.10.2024

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1. The present petition, under Article 226 of the Constitution of India, has been instituted in respect of encroachment by unauthorized/illegal shops in the street leading to the Hazrat Nizamuddin Dargah in the Nizamuddin Area.
2. The Municipal Corporation of Delhi ["MCD"] has filed status

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reports from time to time, the latest being the status report dated 16.07.2024.

3. The status report details the actions taken against violators. In the latest status report, the action after 18.08.2023 has been enumerated, which includes operations on 11.10.2023, 22.11.2023, 29.11.2023, 14.12.2023, 27.12.2023, 11.01.2024, 10.02.2024, 17.02.2024 and 11.07.2024. The penalty levied upon violators and *challans* issued against them have also been enumerated.

4. It is stated in the report that Veterinary Service Department, Central Zone, MCD is taking regular action in the area in question, against violators, and also co-ordinating with the police for strict surveillance so that illegal trading in meat does not recur.

5. It is evident from the status report that action has been taken from time to time by the MCD, although it is also true that repeated and regular action is required to prevent such encroachments and illegal activities from recurring at the site. As far as this aspect is concerned, learned counsel for the MCD states that MCD will continue to take action regularly in accordance with law. MCD is directed to do so, but it is not necessary to keep the writ petition pending for this purpose.

6. The judgment of this Court in *Sh. Nilabh Sharma v. Municipal Corporation of Delhi through its Deputy Commissioner South Zone* [W.P. (C) 11400/2024, decided on 20.08.2024] lays down that the petitioner can also avail an independent remedy under Section 152 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

7. Further, in order to ensure that the petitioner has access to an administrative remedy, the MCD is directed to nominate a Nodal Officer,



whose contact details will be given to learned counsel for the petitioner, so that the petitioner can raise its grievance to the Nodal Officer if the problem reoccurs in future.

8. The petition is disposed of with these directions.

PRATEEK JALAN, J

OCTOBER 22, 2024

“SV”/