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

+ **W.P.(C) 12989/2024**

SURMILA

.....Petitioner

Through: Mr. Hem Kumar, Mr. Lokesh Kr. Sharma, Advocates along with Petitioner in person

versus

THE COMMISSIONER OF POLICE & ORS.Respondents

Through: Mr. Puneet Yadav, ASC with Mr. Jatin Singh, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

17.09.2024

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1. The Petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India, 1950, alleging that the narrow public street¹ in front of her house and shop bearing House No. 23A, Gali No. 6A, Molarband Extension, Badarpur, New Delhi-110044, is being utilised for parking vehicles by Respondents No. 4 to 10 who are residents of the same locality. In this background, Petitioner seeks the following reliefs:

“a) Direct the respondents to stop the illegal parking in Gali 6A, Molarband Extension, Badarpur, New Delhi-110044 and remove the unauthorized vehicles which are being placed by the respondent no. 4 to 10 in Gali 6A, Molarband Extension, Badarpur, New Delhi-110044. It is submitted that the strict action may be taken against the respondent no. 4 to 10 who place their vehicles unauthorizedly in Gali 6A, Molarband Extension, Badarpur, New Delhi-110044 under the provisions of law.

¹ also known as “Gali No. 6A”



b) Direct the respondents to check inspect the Gali 6A, Molarband Extension, Badarpur, New Delhi-110044 regularly. So, that illegal vehicles are not be placed in the said gali.

c) Direct the respondents to put strict action on such illegal parking and take the appropriate action from removal of the unauthorized vehicles in Gali 6A, Molarband Extension, Badarpur, New Delhi-110044.

d) Pass such order or further order as this Hon 'ble Court may deemed fit and proper in the facts and circumstances of this case for this act or kindness the petitioner as is duty bound ever pray."

2. Counsel for the Petitioner asserts that parking of vehicles in front of Petitioner's residential house and the shop is unlawful as the same constitutes a traffic problem which must be resolved by the police. He further states that houses of Respondents No. 4 to 10 do not fall in *Gali No. 6A*. The said Respondents have influence over the local police as well as political leaders of the locality and therefore, they continue to unauthorizedly park their vehicles in the *Gali No. 6A*.

3. Having considered the aforesaid, in the opinion of the Court, this is a primarily a dispute of parking between the residents of the colony. This is evident from the photographs annexed with the present petition which are reproduced as follows:



ANNEXURE-P3





4. The Petitioner claims that the unauthorized parking obstructs their ingress and egress to their property. However, from the photographs annexed to the petition, the vehicles in question appear to be parked in a public street or *gali*, which, by its very nature, is a public thoroughfare accessible to all members of the community. While this may cause inconvenience, it is important to acknowledge that the issue arises from a broader urban challenge rather than a specific illegal act necessitating immediate police intervention. The problem described by the Petitioner i.e., the parking of vehicles in narrow residential lanes—reflects a common predicament faced by many urban residents in Delhi, particularly in densely populated localities with limited infrastructure to accommodate the growing number of private vehicles. This issue is symptomatic of a larger urban planning failure, where colonies were developed without sufficient foresight regarding parking facilities, leaving residents with no alternative but to park in the streets. In this context, the Court must exercise restraint before intervening in such a complex issue. The Court cannot address these broader urban infrastructure deficiencies, nor can it single out certain individuals when the problem is endemic to the city at large. The absence of dedicated parking spaces in residential colonies is a civic issue that requires a policy-based response from municipal authorities rather than judicial intervention in individual disputes.

5. Furthermore, while the Petitioner has attempted to cast this as a law enforcement issue involving the local police, the Court is not persuaded that this is a matter that demands the resources of the police authorities at this juncture. Parking in public streets is a reality in most residential areas across



the city due to the lack of alternative options. Any resolution to this matter must necessarily involve a comprehensive planning by the relevant urban authorities, such as the municipal corporation, RWA(s) and police department, which are better equipped to handle issues of urban mobility and street management.

6. As regards the Petitioner's allegations against the neighbours for creating a nuisance, it is also important to note that such a claim constitutes a private tort of nuisance, which would need to be adjudicated by a competent civil court if the Petitioner seeks relief on that ground. This Court, under Article 226 of the Constitution, does not have the jurisdiction to determine private tort claims.

7. In conclusion, this is not a case where judicial intervention under the constitutional writ jurisdiction is warranted. The matter primarily involves urban planning issues and private nuisance claims, which must be addressed through appropriate other civil remedies.

8. Accordingly, the present petition is disposed of.

SANJEEV NARULA, J

SEPTEMBER 17, 2024/ab