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

+ W.P.(C) 15129/2024, CM APPL. 63437/2024 & CM APPL. 63438/2024

SAPTAHIK BAZAAR PATH VIKRETA WELFARE ASSOCIATIONPetitioner

Through: Mr. Aditya, Mr. Kailash Kr. Jha, Mr. Dipak Raj & Mr. Anjani Kumar Mishra, Advocates.

versus

COMMISSIONER OF POLICE AND ORSRespondents

Through: Mr. Ashok Kr. Kashyap, SPC with Mr. Kabir Kr. Hazaria, GP for R1 to 3.
Mr. Ashutosh Gupta, ASC for MCD.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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25.10.2024

1. This writ petition has been preferred seeking the following reliefs:

"I. Pass an order directing the respondents to allow the members of the petitioner association to held Weekly Market at Bindapur Dwarka DDA Marg on every Thursday from 04 PM to 10 PM.

II. Pass an order directing the respondents, to give alternate space to the street vendors of the Weekly Market to held Thursday Weekly Market at Bindapur.

III. Pass any such directions or order that this Hon'ble Court deems fit and proper in the facts and circumstances of the above-mentioned case."

2. We take note of an order dated 25 July 2024, which had been passed by a Division Bench of our Court in W.P(C) 241/2024, while



dealing with the writ petition preferred by the Bindapur DDA Flats Residents Welfare Society. That order reads as follows:

“1. The police authorities have filed the Status Report dated 21.07.2024 affirming that the directions issued by this Court were duly complied with and routine drives are being held to ensure that the Right of Way in the area is kept free from encroachment. The police authorities have also enclosed certain DD Entries, which indicate that on several occasions, the police officials found that the area was crowded and the Right of Way was not free from street vendors.

2. The petitioner has filed an application showing photographs, which indicate that the Right of Way is partially blocked on account of street vendors carrying on their activities in the given area.

3. In view of the above, we dispose of the present petition by directing the concerned DCP (DCP, Dwarka) as well as all the concerned SHOs to take coordinated action to ensure that the Right of Way in the area (area described as DDA Flats Bindapur Colony, Dwarka, New Delhi) is kept free from encroachment.

4. The petition is disposed of in the aforesaid terms. All pending applications are also disposed of.”

3. The right which the petitioner seeks is in respect of the same area. In view of the aforesaid, we dispose of the writ petition by permitting the writ petitioners to make a representation to the Municipal Corporation of Delhi [‘MCD’].

4. The competent authority in the MCD shall while considering the said representation also bear in mind the directions issued in the writ petition aforementioned and upon taking into consideration the views of all stakeholders including the Delhi Police.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

OCTOBER 25, 2024/ib