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

+ **W.P.(C) 17640/2024**

**VIJAY SEHGAL.**

.....Petitioner

Through: Ms. Mansi Mehta, Advocate.

versus

**MUNICIPAL CORPORATION OF  
DELHI & ORS.**

.....Respondents

Through: Mr. Harshit Chopra, Advocate for  
R-1.

Mr. Ram Kumar, Mr. Sushil  
Kumar & Mr. Sachin, Advocates  
for R-2 & 3.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**20.12.2024**

**CM APPL. 74956/2024 (for exemption)**

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**W.P.(C) 17640/2024**

1. The petitioner is the owner of *Shop No. 32, Subzi Market, Block-2, Moti Nagar, New Delhi-110015*, and has approached this Court under Article 226 of the Constitution, complaining of alleged re-encroachment on municipal land by respondent No. 4 in front of his shop.

2. It is the contention of the petitioner that encroachment by respondent No. 4, who vends fruits and vegetables from a cart, is



blocking ingress and egress to his shop.

3. The petitioner has earlier approached this Court by way of W.P.(C) 17161/2022, which was disposed of by recording the submission of Municipal Corporation of Delhi [“MCD”] that the encroachment had been removed. It is the petitioner’s contention that the encroachment has reoccurred, in support of which he has filed photographs at Annexure P-2 to the writ petition.

4. Mr. Harshit Chopra, learned counsel for respondent No. 1-MCD, who appears on advance notice, states upon instructions from Mr. Naved Aslam, ASO, Licensing Department, MCD, that the encroachment has been removed again this morning.

5. Noting the aforesaid contentions, it may be observed that the problems of encroachment on public property, by their very nature, require constant vigil and repeated action. Such encroachments tend to recur, even after removal, as alleged in the present case.

6. Mr. Chopra and Mr. Ram Kumar, learned counsel for respondent No. 2 and 3, assure the Court that the authorities will maintain necessary vigil and take appropriate action to ensure that the area in question remains free of encroachment.

7. Additionally, MCD and the concerned SHO are directed to nominate a Nodal Officer, whose contact details may be supplied to the petitioner, through counsel, so that he is in the position to seek redressal of his grievance at the administrative level, in the event, the problem of encroachment resurfaces.

8. In a 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], this Court has noted that the problem of encroachment is capable of redressal by filing of proceedings before the concerned Magistrate under Section 152 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner is at liberty to avail that remedy as well.

9. The petition stands disposed of in terms of the aforesaid directions.

**PRATEEK JALAN, J**

**DECEMBER 20, 2024/‘pv/AD’/**