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

\+ W.P.(C) 7236/2021 & CM APPL. 22800/2021

GANESH KUMAR & ORS. .....Petitioners

Through: Mr. Sarthak Ghonkrokta, Adv.

versus

RAIL COACH FACTORY & ANR. .....Respondents

Through: Ms. Arunima Dwivedi, CGSC with Ms. Swati Jhunjhunwala, Mr. Sainyam Bhardwaj, Advocates (M: 9810916537)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

O R D E R

% 02.05.2025

1. The present writ petition has been filed to restrain the respondents or any other agency of the respondents from installing any gates on the main path leading from the main road to the jhuggis or, in the alternative, to direct the respondents that they would not stop the access of the petitioners and other inhabitants of the jhuggis to the path leading from the settlements to the main road.

2. After some arguments, learned counsel for the respondents has drawn the attention of this Court to the site plan of the colony in question, and has shown the two places, where the gates are proposed to be installed. She submits that the said gates shall be closed only from 11:00 PM at night, till 5:00 AM in the morning.

3. She further submits that the gates shall remain open throughout the day, except for the aforesaid period.

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4. At this stage, learned counsel for the petitioners submits that, in case, the gates are closed at night, in case of emergency, the petitioners would be in a precarious situation.

5. Responding to the same, learned counsel for the respondents submits that the respondents shall keep one guard each at the two gates, during the time when the said gates are closed, i.e., from 11:00 PM at night to 5:00 AM in the morning.

6. She further draws the attention of this Court to the board which had been installed earlier, which clearly states that, in case of any emergency, guard shall open the gate when the said gates are closed from 11:00 PM at night to 5:00 AM, in the morning.

7. Considering the aforesaid submissions made on behalf of respondents, this Court is of the view that the interest of the petitioners, is safeguarded.

8. The ingress and egress of the petitioners is not hindered and that they have been given a free way.

9. Accordingly, noting the aforesaid, the respondents are granted liberty to install the gates for the security and safety of the colony.

10. However, the respondents shall ensure that during the period when the gates are closed, the same are manned by some guard, so that the same can be opened, at the time of emergency, when requested in this regard.

11. With the aforesaid directions, the present writ petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

MAY 2, 2025
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