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

+ W.P.(C) 5979/2025

CHANDER CHHABRA

.....Petitioner

Through: Mr. Aditya Saluja, Advocate
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versus

**MUNICIPAL CORPORATION OF DELHI THROUGH ITS
COMMISSIONER & ORS.**

.....Respondents

Through: Mr. Manu Chaturvedi, SC for MCD
Mob: 9315827955
Email: manuchaturvedi@gmail.com
Mr. Gaurav Sharma, SPC with Mr.
Siddhartha Nagpal, Mr. Sachin Singh,
Advocates for UOI and Mr. Chandan
Paswan, SI, Delhi Police
Mob: 9990116727
Email: gsharma.office@gmail.com

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

ORDER
06.05.2025

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1. The present writ petition has been filed for directions to the respondents to remove the service gates installed/fixed by the respondents, which is in violation of the guidelines passed by this Court and the bye-Laws of the Municipal Corporation of Delhi ("MCD").
2. Learned counsel appearing for the petitioner submits that the petitioner is a resident of A-2/161, Paschim Vihar, New Delhi-110063 and filed a complaint dated 21st April, 2025 to the Deputy Commissioner of



MCD, regarding the unauthorised/illegal installation and fixation of the gates, thereby, blocking entry and exit points of a road connecting two main roads, i.e., *road no. 29/30, Paschim Vihar (East) Police Station Road*.

3. Learned counsel appearing for the petitioner submits that the road, on which, the gates have been installed, is a main road which connects to road no. 29/30, where there is a fire station on one side.

4. He further submits that the length of the road is approximately 200 to 300 meters, and there is a commercial complex situated on one side of the road. He, thus, submits that in case the gates are installed, there would be obstruction on the road.

5. *Per contra*, learned counsel appearing for the respondent nos. 1 and 2, on advance notice, submits that considering the local situation, the gates in question were installed at the behest of the MCD. He submits that in the area in question, there are many instances of illegal dumping of *malba* and construction material, affecting the air quality.

6. Thus, in order to discourage the illegal dumping at night, the gates in question have been installed. He further submits that the gates shall be closed only at night from 11:00 PM till 5:00 AM in the morning. He submits that rest of the time, the gates shall remain open.

7. He further submits that the keys of the gates are with the Resident Welfare Association (“RWA”) of the area in question.

8. Responding to the aforesaid, learned counsel appearing for the petitioner submits that he has an ailing mother, who is a heart patient. He, thus, submits that he has to take his mother to hospital at odd hours, sometimes.

9. He submits that, in case, the gates in question are closed at night, the



petitioner would have to take a longer route, on account of which, the petitioner shall lose many precious moments. He submits that the said gates block the arterial road.

10. Considering the submissions made before this Court and the facts and circumstances of the present case, it is directed that the present writ petition shall be treated as a representation, by the respondent-MCD. The petitioner, as well as the RWA of the area in question, shall be called for personal hearing by the Deputy Commissioner of the zone, i.e., Keshav Puram Zone, MCD. The petitioner and other members of the RWA shall be heard and all their grievances and objections, with regard to the installation of the gate, shall be taken into account.

11. During the course of hearing, the MCD shall also take into account the need that the gates ought to be manned at night when they are closed, so that in case of any urgency or emergency, the same can be opened by the guard.

12. After hearing all the concerned parties, requisite order shall be passed by the respondent-MCD.

13. In case, the petitioner is still aggrieved by any order or action of the MCD, the petitioner shall be at liberty to seek his remedies, in accordance with law.

14. Accordingly, with the aforesaid directions, the present writ petition is disposed of.

MINI PUSHKARNA, J

MAY 6, 2025

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