



2025:DHC:9672-DB



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

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Judgment reserved on: 30.10.2025

Judgment delivered on: 04.11.2025

+ LPA 942/2024 & CM APPL No.55140/2024

PATPARGANJ FIE ENTREPRENEURS ASSOCIATIONAppellant

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Advocates who appeared in this case:

For the Appellant : Mr. Pushkar Sood, Ms. Shikha Sood, Mr. Samrath Sood and Ms. Vidhi Gupta, Advocates

For the Respondents : Mr. Manu Chaturvedi, Standing Counsel for MCD.
Mr. Manish Vashishtha, Mr. Achint Gupta and Ms. Sonal Awasthi, Advocates for R-2/DSI IDC.
Mr. Rohan Jaitley, CGSC with Mr. Dev Pratap Shahi and Mr. Yogya Bhatipipdi, Advocates for R-4 along with Insp. Yogesh Kumar, TI (MVC) and SI Dharam Pal, Pairvi Officer (Traffic).

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

J U D G M E N T

TUSHAR RAO GEDELA, J.

1. Present Letters Patent Appeal has been filed challenging the judgement dated 02.09.2024 in W.P.(C) 92/2024 titled "*Sh. Patparganj FIE Entrepreneurs Association (Regd) Through its General Secretary vs. Municipal Corporation of Delhi & Ors.*", wherein the learned Single Judge has disposed of the writ

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petition directing the respondent/MCD to take necessary steps in view of the Survey Report submitted by the traffic police.

2. It is the case of the appellant that the appellant is an association of entrepreneurs, operating from Patparganj Industrial Area, which are engaged in diverse activities such as car showrooms, service centres, information technology enabled industries, printing, packaging and publication industry etc. It is claimed by the appellant that aggrieved of the letter dated 27.12.2023 proposing a parking facility on the main arterial road of the said industrial area by the respondent no.1/MCD, the underlying writ petition was filed challenging the same. It was also stated in the underlying writ petition that as per the layout plan of the subject industrial area, there were many plots which were earmarked as parking lot which should have been exhausted before proposing to use the arterial road for parking purposes. It was also claimed that the said proposal would lead to chaos, commotion and traffic snarls leading to traffic jams causing unprecedented harassment to not only the members of the appellant's association but also to the common public visiting the said industrial area.

3. Mr. Pushkar Sood, learned counsel for the appellant has stated that the layout plan is a statutory document and once such document earmarks a particular area as a parking lot, ordinarily such plans should not be deviated from. He stated that none of the respondents can dispute the said layout plan and unless and until earmarked parking lots are developed and exhausted, no such proposal for parking on the main arterial road should at all be permitted. He also stated that while the learned Single Judge had directed the respondent no.4/traffic police to conduct a survey and specifically state whether the grant of No Objection Certificate (NOC) to operate the impugned parking site in the



concerned locality is expedient or not by taking into account the width of the road and other issues raised by the appellant, the respondent no.4/traffic police in violation to such directions and without any authority, in its affidavit unilaterally recommended that parking can be limited to one side of the carriageway. He categorically contended that this suggestion or recommendation being wholly extraneous to the directions passed by the learned Single Judge *vide* the order dated 26.02.2024, the impugned order ought to have taken note of the infraction and not permitted the MCD to proceed with the proposed parking plan on the main arterial road.

4. In order to support his contentions, learned counsel relied upon ***UP Samaj Co-operative Housing Building Society Ltd. vs. Delhi Development Authority & Ors.: 116 (2005) DLT 247***, to submit that layout plan is prepared keeping in view the development control norms under the Master Plan Delhi and hence has statutory force. In other words, he contended that no local authority can be permitted to earmark any area contrary to or violative of such usage of a particular area as stipulated in the layout plan. On that basis he would contend that the impugned order permitting MCD to proceed with the proposed parking plan on the arterial road may be set aside.

5. *Per contra*, Mr. Manu Chaturvedi, learned Standing Counsel for respondent no.1/MCD contended that the respondent no.1/MCD is empowered under the Delhi Municipal Corporation Act, 1957 to provide amenities to the public at large. According to him, one of the obligations or amenities to be provided by respondent no.1/MCD is in respect of parking space in areas where it deems it fit. He would contend that as such, having regard to the fact that the growth in vehicular traffic and the need to provide ample parking space to such



vehicles, the respondent no.1/MCD has the right and authority to even open certain portions of the public carriageway for the purposes of parking facility, if so required. In the present case, according to him such parking area was required keeping in mind the public necessity and demand. That apart, he substantially relies on the affidavit filed by the respondent no.4/traffic police to contend that once the respondent no.4/traffic police has conducted survey and has asserted that one part of the public carriageway can be utilized without impeding the traffic movement, the respondent no.1/MCD cannot be prohibited from providing parking space, that too, at the behest of the appellant.

6. Mr. Chaturvedi, at the instance of this Court, provided a one page note, wherein, he relied upon various clauses of Master Plan Delhi, 2021 (hereinafter referred to as “MPD”) and the Delhi Maintenance and Management Parking Places Rules, 2019 (hereinafter referred to as “Rules”). He submits that as per sub-clause 8(2)(i) of MDP, open parking is explicitly permitted in all “Use Zones”. He further submits that as per clause 11.5.2 of MPD provides that surface parking should be located in a manner that does not hinder spatial and pedestrian movement.

7. He also placed reliance on clause 12(x) of the MPD to submit that, as part of the transportation policy, local bodies are required to develop a comprehensive parking policy. He further relied upon clauses 12.14.2.1, 12.14.3.5 and 12.14.3.4(iii) to submit that street parking is also specifically contemplated and permitted by the MPD. He further relied upon Rules 3(4)(a), 3(4)(d) and 11 to submit that the said Rules provide for street parking in all use zones, whether commercial or residential, albeit with certain safeguards and that the respondent no.1/MCD has complied with the same.



8. Having heard learned counsel for the parties, we are of the considered opinion that the appeal is bereft of any merits.

9. We have perused the impugned order dated 02.09.2024 and find that the learned Single Judge has relied upon the survey report of the traffic police to direct the respondent no.1/MCD to revisit the impugned letter dated 27.12.2023. The learned Single Judge also opined that since the respondent no.4/traffic police have suggested a particular way to earmark the parking in question, it was deemed appropriate to direct respondent no.1/MCD to take necessary steps in view of the survey report. To make things more clear, paragraph nos. 4 to 11 are extracted hereunder:-

“4. As per the report of the survey, it is seen that the recommendation is made to the effect of parking be limited to one side of the carriage way, specially the opposite side of the showrooms i.e., from ZX Skoda Showroom, Plot no.23, Patparganj Industrial Area up to Uttam Toyota Showroom Plot no.25, Patparganj Industrial Area.

5. The Survey Report further states that allotting parking on only one side will ensure adequate parking space while maintaining the smooth flow of traffic on the road in question.

6. The Court is of the considered opinion that once the traffic police has made certain recommendations for smoothening the traffic situation, the same shall be respected under the facts of the present case. Accordingly, the impugned letter dated 27.12.2023 passed by the respondent-MCD needs to be revisited. The respondent-MCD, however, shall be at liberty to take fresh steps, taking into consideration the Survey Report.

7. Learned counsel appearing for the respondent-MCD, vehemently submits that the traffic police has granted the NOC with respect to the site in question where, the respondent-MCD intends to earmark the parking.

8. The Court in the instant case, does not require to deal with the aforesaid controversy. The respondent-MCD shall be at liberty to agitate the same before the appropriate authority if such an issue eventually arises.

9. In the instant case, the Court is only concerned with the feasibility of the present site as to whether the same would be in the larger public interest or otherwise.



10. Since the Traffic Police suggested a particular way to earmark the parking in question, accordingly, the Court deems it appropriate to direct the respondent-MCD to take necessary steps in view of the Survey Report submitted by the Traffic Police.

11. All rights and contentions of the respondent-MCD stands reserved and accordingly, the instant writ petition along with pending application stands disposed of.”

10. We do not find any reasons to interfere with the impugned order. Additionally, it is pertinent to note that the traffic police has filed an affidavit dated 18.08.2025 before this Court recommending that the parking as proposed by the MCD be limited to one side of the carriageway. Para 4 of the said affidavit is extracted hereunder:-

4. It is further essential to appreciate the recommendations tendered by the respondent no.4/traffic police in the status report dated 01.04.2024, which are reproduced herein-below:

“However, during the survey, it was discovered the Municipal Corporation of Delhi has marked parking spaces from Zedex Skoda Showroom Plot No. 23, Patparganj Industrial Area upto Uttam Toyota Showroom Plot No. 95. **This arrangement could potentially impede the smooth flow of traffic and may cause congestion on this road.**”

“Therefore, **it is recommended that parking be limited to one side of carriageway**, specifically the opposite side of the showrooms i.e. from Zedex Skoda Showroom Plot No.23, Patparganj Industrial Area upto Uttam Toyota Showroom Plot No.95, Patparganj Industrial Area. **Allotting parking on only one side will ensure adequate parking spaces while maintaining the smooth flow of traffic on this road.**”

(emphasis supplied)

11. A perusal of the affidavit dated 18.08.2025 filed by the respondent no.4/traffic police brings to fore that the competent authority while conducting the survey appears to be aware of the traffic conditions and has rejected certain proposals of the respondent no.1/MCD for creating parking spaces on the basis that those could potentially impede the smooth flow of traffic and may cause



congestion on the said road. It is only thereafter that a recommendation for parking limited to one side of carriageway was made. Adequate reasons were provided as to why such recommendation was made. It is trite that in these types of matters, particularly, relating to parking and as to whether such proposal would impede smooth flow of vehicle or not, fall squarely within the domain of the traffic police and not the Constitutional Courts. How best the traffic management on a particular area or a road is to be designed or implemented is best left to the experts i.e. the respondent no.4/traffic police. If the respondent no.4/traffic police after conducting a survey is convinced that the proposed parking is possible without impeding smooth flow of the traffic, so be it. Of course, we are not suggesting and neither did the traffic authorities that in future such recommendations cannot be re-visited or reconsidered depending upon necessity which may arise.

12. So far as the argument of the appellant regarding the statutory force of the layout plan is concerned, we need not enter into that arena keeping in view our observation in para 9 above. So also, the need to appreciate the ratio laid in *U.P Samaj (supra)* does not arise.

13. The stand now taken by the respondent no.1/MCD in the note provided by it was neither placed nor submitted by way of a counter affidavit, nor were any oral submissions made before learned Single Judge. Therefore, learned Single Judge, at the first instance, did not have the benefit to consider the said provisions. In view of what has been held above based on the affidavit of the respondent no.4/traffic police, we are not expressing any opinion on the provisions of the Rules or the MPD. What we have been called upon to consider is as to whether the impugned parking proposal of the respondent no.1/MCD



would or would not impede the traffic movement on the main arterial road. Since we have rendered an opinion in the positive, the reference to the provisions of the Rules and MPD may be considered in appropriate case where subject matter of these provisions is directly involved.

14. In view of the aforesaid, the appeal is bereft of any merits and is dismissed, however, so far as prayer (b) in underlying writ petition is concerned, we grant liberty to the appellant association to submit a representation in respect thereto with the competent authority of the respondent no.2/Delhi State Industrial Infrastructure Development Corporation Ltd. (DSIIDC), who may take appropriate action/decision in this regard in expedition.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

NOVEMBER 4, 2025/rl/yrj