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

+ W.P.(C) 17612/2024
SHRI PANKAJ CHOPRA

.....Petitioner

Through: Mr. H. S. Phoolka, Senior Advocate
with Mr. Jai Shankar, Ms. Nandita
Rao, Ms. Surpreet Kaur, Ms. Arani
Choudhary, Mr. Manoj Makhija, Mr.
Ashish Kumar, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI
& ORS.

.....Respondents

Through: Mr. Sanjay Vashishtha, SC for MCD
with Ms. Harshita Rai, Mr.
Siddhartha Goswami, Advocates.
Mr. J.B. Meena, EE (M-1), Karol
Bagh Zone
Mr. Vijay Kumar, Assistant
Commissioner, Karol Bagh Zone
Dr. B. Ramaswamy, CGSC, for R-3
and 4.
Insp. Saket, SHO/Karol Bagh with SI
Sahil, HC Chhigan Lal for respondent
no. 3 and 4
SI Surender Rawat, D-1190, Traffic
Karol Bagh
ASI Devender Singh, Pairvi Officer
Traffic

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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20.01.2025

CM APPL. 74908/2024 (exemption)

1. Allowed, subject to just exceptions.



2. Application stands disposed of.

CM APPL. 3451/2025 (under Order 1 Rule 10 of the Code of Civil Procedure, 1908 for impleadment)

3. In view of the averments made in the application, we find no reason to entertain this application.

4. Accordingly, the application is dismissed.

W.P.(C) 17612/2024

5. The instant petition under Articles 226 and 227 of the Constitution of India has been filed on behalf of the petitioner seeking the following reliefs:

- “i. Issue a direction to the respondents to allow the petitioners to carry on their business at the Teh Bazari sites allotted site.*
- ii. Direct the respondents to remove all other unauthorized hawkers/vendors who are carrying on the business due to collusion of officials of police and fix the personal responsibility of the concerned SHO and/or Executive Engineer; AND*
- iii. Allow cost of the writ petition; and..”*

6. Mr. H. S. Phoolka, learned senior counsel appearing on behalf of the petitioner submitted that the instant writ petition has been filed on behalf of the petitioner seeking directions to the respondents to allow him to carry on his business at the allotted Teh Bazaari site near Ajmal Khan Road, Karol Bagh, New Delhi area. It is also prayed that the unauthorized hawkers/vendors, who are illegally encroaching and squatting in the Karol Bagh area, in collusion with police officials, may be removed. It is further submitted that by way of the present petition, the petitioner also prays for fixing the personal responsibility of the concerned SHO and Executive Engineer of the Municipal Corporation of Delhi considering the several judgments/orders passed by the Hon’ble Supreme Court and this Court from



time to time. Reliance in this regard has been placed on Annexures P4 and P6, appended with the instant petition which are order dated 1st December, 2000 passed by the Hon'ble Supreme Court in W.P (C) no. 323/2000 and order dated 10th August, 2005, passed by a Division Bench of this Court in W.P (C) no. 7720/2023, respectively.

7. It is also submitted that despite the directions issued by the Hon'ble Supreme Court and this Court, unauthorized hawkers/vendors continue to carry out vending activities at the designated non-vending sites, as evident from the photographs annexed as Annexure-P8 with the instant petition.

8. It is further submitted that the concerned authorities have failed to fulfill their duty and implement the orders effectively, thereby, allowing the illegal vendors to persist in their activities in violation of the Court's directions.

9. It is submitted that the concerned SHO and the concerned Executive Engineer of the respondent department may be directed to take immediate steps to enforce the orders and directions passed by this Court as well as the Hon'ble Supreme Court. Moreover, personal responsibility of the concerned officials may be fixed to ensure the effective implementation of these directions for the removal of illegal and unauthorized vending/encroachment at sites that have already been declared as non-vending zones in the Karol Bagh Area.

10. It is submitted that from Ajmal Khan Road, Karol Bagh, New Delhi area to the Karol Bagh Metro Station area, only four locations have been authorized for vending, namely: (i) the wall of the police station, (ii) the wall of Arya Samaj Mandir, (iii) behind St. Thomas School on Ajmal Khan Road, and (iv) the market on Ajmal Khan Road. It is also submitted that, as



mentioned in paragraphs no. 5 and 6 of the status report, the Assistant Commissioner, Karol Bagh Zone, Municipal Corporation of Delhi has provided specific dates on which actions were taken to remove unauthorized vendors. However, it is submitted that despite the aforesaid contention made in the status report, unauthorized vending/hawking is still going on.

11. It is further submitted that vide order dated 20th December, 2024, the Predecessor Bench of this Court, after considering the petitioner's contention, had directed the presence of the Executive Engineer and the concerned SHO before the Court.

12. *Per Contra*, learned counsel appearing on behalf of the respondent - Municipal Corporation of Delhi submitted that an updated status report was filed on 18th January, 2025. He has referred to the contention made in the status report and submitted that the respondent no. 1 has been conducting regular encroachment removal drives to clear the unauthorized vendors from the area extending from Ajmal Khan Road to Karol Bagh Metro Station. During these drives, temporary encroachments are being removed as part of a continuous enforcement effort at the site, which has already been declared a no-vending zone. It is further submitted, on instructions, that all the directions passed by the Hon'ble Supreme Court shall be duly complied with. It is further submitted that in compliance of the order dated 20th December, 2024, passed by the Predecessor Bench of this Court, the Assistant Commissioner, Karol Bagh Zone, Municipal Corporation of Delhi and the SHO concerned are present before this Court.

13. Heard the learned counsel appearing on behalf of the parties and perused the material placed on record.



14. At the outset, regarding the prayer (a) of the petitioner, i.e., seeking permission to carry on business at the allotted Teh Bazaari site, it is submitted by the petitioner that the said site has been already declared a no-vending/hawking zone and therefore, he is not pressing prayer (a). Accordingly, this Court is of the considered view that no such directions are required in this regard. Considering the above observations, prayer (a) of the writ petition is, hereby, rejected as not pressed.

15. Regarding prayer (b) of the instant petition, the main grievance of the petitioner is *qua* the unauthorized activities and encroachment of public areas in the Ajmal Khan Road, Karol Bagh, New Delhi.

16. This Court has perused the material placed on the record and it is observed that the said area has already been declared as a no hawking and no vending zone. Despite the same, the unauthorized hawking/vending is continuing rampantly as is apparent from the photographs placed by the petitioner on record.

17. Record further reveals that the Hon'ble Supreme Court as well as this Court has passed various orders time and again, wherein, the Courts have passed directions to the respondent department herein to remove unauthorized activities and encroachments by the unauthorized hawkers/vendors in the aforesaid area. There is no doubt that the respondent department has not complied with the directions issued to it on various occasions where the department's officers' personal responsibility has been fixed.

18. At this juncture, the Assistant Commissioner and the concerned SHO, Karol Bagh, who are present before this Court, upon being queried, submitted that they have initiated appropriate actions to remove



unauthorized vendors/hawkers from the declared non-vending sites in the Ajmal Khan Road and Karol Bagh area. They are giving their undertaking to fix CCTV cameras at the concerned site and notice boards, thereby, notifying the vending/no-vending zones in the aforesaid area. It has also been undertaken that an MCD personnel along with the beat officer of the area concerned will be deployed from 10:00 AM to 8:00 PM to ensure the continuous enforcement of the Court's directions and prevent unauthorized vending/hawking and encroachment in the aforesaid area.

19. It has been further undertaken that if unauthorized vending/hawking is found at the said site again, the aforesaid designated officers from the MCD and the police shall be held personally accountable, and departmental action will be initiated against them.

20. At this stage, learned senior counsel appearing on behalf of the petitioner, on instructions, submitted that he has no objection to the undertaking given by the aforesaid officers, and the instant petition may be disposed of in view of the same.

21. After hearing the learned counsel for the parties and considering the statements made by the SHO and the Assistant Commissioner, who are present before this Court, and have given their respective undertakings, this Court finds no reason to disbelieve the said undertaking.

22. In view of the aforesaid discussions of facts, undertaking given by the learned counsel for the respondent-department and the no objection given by the learned senior counsel appearing on behalf of the petitioner, following directions are passed by this Court:

- a. The SHO, Karol Bagh and the Assistant Commissioner, Karol Bagh Zone, Municipal Corporation of Delhi, are directed to fix



CCTV cameras and notice boards, thereby, notifying the vending/no-vending zones in the area extending from Ajmal Khan Road to Karol Bagh Metro Station.

b. The SHO concerned and the Assistant Commissioner, Karol Bagh Zone, Municipal Corporation of Delhi are directed to deploy one beat officer and one MCD personnel respectively from 10:00 AM to 8:00 PM daily in the aforesaid area who will be responsible for ensuring that no unauthorized hawking/vending is carried out on the sites that have already been declared as no-vending/hawking zones.

c. Additionally, the aforesaid officers are directed to ensure strict compliance of the undertaking given by them before this Court failing which they shall be held personally liable and appropriate departmental proceedings shall be initiated against them.

23. In view of the aforesaid terms, the instant writ petition stand disposed of along with the pending applications, if any.

CHANDRA DHARI SINGH, J

ANOOP KUMAR MENDIRATTA, J

JANUARY 20, 2025

ns/ryp

Click here to check corrigendum, if any