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

+ **W.P.(C) 3349/2026**

YADAVENDRA SAXENA

.....Petitioner

Through: **Ms. Amita Sachdeva, Advocate.**

versus

GOVERNMENT OF NCT OF DELHI & ORS.

.....Respondent

Through: **Mr. Shiven Varma (Panel Counsel)**
for R1 and R2.

Adv. Akanksha Gupta (SPC), with
Mr. Yash Garg, Advocate along with
Mr. Vijay Shrotiya (Inspector), Ashok
Kumar (SI Traffic Paisvi Officer) for
R-3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% 17.03.2026

1. The petition is, primarily, for directions to respondents to conduct a traffic safety assessment of the stretch of Sukhdev Vihar Road in front of Pocket-B, DDA SFS Flats, Gate Nos. 1, 2 and near Gate No. 3, and to implement appropriate traffic-claiming measures for the safety of pedestrians.

2. According to learned counsel for the petitioner, the stretch of the road in question is devoid of adequate safety measures and routinely witnesses over-speeding and instances of reckless and negligent driving. The absence



of speed-breakers, pedestrian crossings etc., has resulted in unsafe conditions for pedestrians. The said stretch also includes a bus stop which witnesses heavy vehicular traffic, necessitating implementation of adequate safety measures.

3. The petitioner seems to have preferred complaints before the respondents, however, there does not seem to be any adjudication on his complaint.

4. Under Section 152 of the Bharatiya Nagrika Suraksha Sanhita, 2023 ('BNSS'), the concerned District Magistrate, the Sub-Divisional Magistrate or any other Executive Magistrate specially empowered in this behalf by the State Government, is fully empowered to deal with such grievances. Reference can be made to the decision of this Court in the case of **Nilabh Sharma v. MCD and Anr.**¹ The relevant portion of the decision is extracted below, for reference:

"14. It is thus discernible from the aforesaid discussion that the concerned magistrate under Section 152 of BNSS, 2023 has the power to remove public nuisance in circumstances which warrant exercise of such powers. Therefore, in the instant case, the petitioner can duly approach the magistrate to ventilate his grievance rather than directly invoking writ jurisdiction under Article 226 of the Constitution of India."

5. In view thereof, instead of entertaining the instant writ petition, the petitioner is directed to approach the concerned Executive Magistrate and to take recourse to the provisions under Section 152 of the BNSS.

6. If the petitioner does so, let his complaint be considered with due expedition after taking into consideration the ground reality. Let an appropriate decision be taken after affording opportunity of hearing to all the stakeholders.



7. If the grievance of the petitioner is not fully mitigated within a reasonable period of time, the petitioner shall be at liberty to take appropriate recourse in accordance with law.
8. With the aforesaid directions, the petition, along with pending application, if any, stands disposed of.
9. *Dasti.*

PURUSHAINdra KUMAR KAURAV, J

MARCH 17, 2026/aks

¹ Order Dt. 20.08.2024 in W.P. (C) 11400/2024