

Paardarshita Public Welfare ... vs Commissioner South Delhi Municipal ... on 5 February, 2019

Author: G.S.Sistani

Bench: G.S.Sistani, Jyoti Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5023/2015

PAARDARSHITA PUBLIC WELFARE FOUNDATION (NGO)

..... Petitioner

Through Petitioner in person

versus

COMMISSIONER SOUTH DELHI MUNICIPAL CORPORATION &

ORS

..... Respondents

Through Mr. Gautam Narayan, ASC for GNCTD
with Ms. Mahamaya Chatterjee, Advocate
Mr. Sri Harsha Peechara and Mr.
Mananjay Kumar Mishra, Advocate for
NDMC.
Mr. Jagdish Sagar, Advocate for EDMC.
Mr. Ajay Aroraa and Mr. Kapil Dutta,
Advocates for SDMC.
Mr. B.S. Dhir and Mr. Amandeep Singh,
Advocates for DDA.
Mr. Sachin Nahar and Mr. V.P. Nahar,
Advocates for SHO, ACP(Traffic) Karol
Bagh.
DCP Traffic/CR A. Karan, ACP
Traffic/CR Anil Kumar and Inspector
Krishan Kumar TI/Karol Bagh.

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W.P.(C) 10372/2017 & CMs.APPL 14866/2018, 23085/2018 &
47241/2018

NEENA NARANG

..... Petitioner

Through Mr. Satyajit Sarna and Ms. Pallavi
Srivastava, Advocates

versus

GOVERNMENT OF NCT OF DELHI AND ORS. Respondents

Through Mr. Gautam Narayan, ASC for GNCTD
with Ms. Mahamaya Chatterjee,
Advocate.
Mr. Ajay Aroraa and Mr. Kapil Dutta,

Advocates for NDMC.
Mr. Sanjeev Ralli, Mr. Atul Verma and
Mr. Bishash Sharma, Advocates for
respondents no.6 to 9.
Mr. Nikhil Goel and Mr. Gurpreet Hora,
Advocates for DDA.
DCP Traffic/CR A. Karan, ACP
Traffic/CR Anil Kumar and Inspector
Krishan Kumar TI/Karol Bagh.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% 05.02.2019 Attention of this Court is drawn by Mr. Narayan, learned counsel appearing for the Delhi Police to the Minutes of the Meeting dated 14.01.2019. Mr. Narayan points out that the Delhi Police has decided to include 14 markets for implementation of the order passed by this Court with respect to the time frame and for loading and unloading of goods. We may note that the necessity for fixing of time has arisen having regard to the conditions of the roads in Karol Bagh, which we had taken into account in the orders dated 29.10.2018 read with order dated 14.11.2018.

We have no hesitation in saying that the traffic police and the respective corporations would actively and faithfully comply with the directions so passed in these writ petitions uniformly in all markets. We expect that the market associations and other stake holders would co-operate with the statutory bodies for implementation of the orders. The time-line, including the time would be as detailed as per the order dated 14.11.2018 passed by this Court, i.e. between 12.30 p.m. to 8:00 p.m. Lack of parking space has been highlighted by Mr. Ralli and it is complained that the traffic police is not providing adequate traffic facilities. In this back drop, we had made observations in the order dated 14.11.2018 regarding availability and construction of parking space in the form of multi- level parking in Shastri Park.

Mr. Ajay Aroraa, learned counsel for the NDMC points out that five bids have been received for the tender of the multi-level parking lot to be constructed at Shastri Park and he has instructions that the tenders would be awarded soon. The urgency for construction of a parking lot would be brought to the notice of the Commissioner, MCD, who would ensure that every possible step is taken for awarding of the tender expeditiously by following due process of law.

As far as the availability of parking space at Ajmal Khan Parking is concerned, Mr. Ralli points out that the permanent structures have been erected by tent houses, thus the area cannot be utilised for purpose of parking during the period when no function is being held in the park. The concerned Deputy Commissioner of the area will file his personal affidavit giving details since when the structures have been erected and by whom, and during the period when the structures stand erected how many functions have taken place thereafter with supporting documents. The Deputy Commissioner will also state as to whether the tent houses can be permitted to raise a structure for long period and, if yes, under which provision and, if not, why the same has been allowed and if it has been allowed, under what authority.

We hope that during the period when there is no function, the MCD would on such terms, as they deem appropriate, allow parking of vehicles to decongest the roads of the Karol Bagh area. Photograph of the structure has been handed over in Court, which has been scanned as below, which shall form part of the order.

We expect that the Deputy Commissioner of the Traffic would ensure that the traffic police, who are deployed on the roads of Delhi are sensitized to be active and perform their duties, rather than standing and talking in groups or busy on their mobile phones while the citizens stand awaiting for the traffic to be organised and some of the aggressive motorists who flout the traffic rules with impunity are allowed to get away. It is often noticed that persons who cross the yellow light at traffic signal are given preference to those persons who patiently stand in line whereas the persons who cross the yellow light at traffic signal should be penalised and action must be taken as per the Motor Vehicles Act. A report will also be submitted as to how the Commissioner (Traffic) will tackle the problem within, by sensitizing the work force at the first instance and then by taking suitable action against them. Surprise checks should be made to oversee that the work force deployed is performing their duties diligently.

Mr. Ralli also points out that some vacant space is available at Bhuli Bhatiari Parking. Minutes of Meeting dated 10.03.2015 and 13.03.2015 have also been brought to our notice. We request the MCD and the Traffic Police to inform the Court with regard to the availability of parking space in this area, or even if it is for a short period.

List on 14.03.2019.

Copy of the order be given Dasti to the parties under the signature of Court Master.

G.S.SISTANI, J JYOTI SINGH, J FEBRUARY 05, 2019 pst /