

Main Sadar Bazar Traders Association ... vs Veditha Reddy, North Municipal ... on 22 October, 2020

Author: Jyoti Singh

Bench: Jyoti Singh

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CONT.CAS(C) 914/2019
MAIN SADAR BAZAR TRADERS ASSOCIATION (REGD)

..... Petitioner

Through: Mr. Nikhil Singhvi, Advocate with
Ms. Manpreet Kaur, Advocate.

versus

VEDITHA REDDY, NORTH MUNICIPAL CORPORATION
OF DELHI & ORS

..... Respondents

Through: Mr. Mukesh Gupta, Standing Counsel
with Mr. Mayank Ahuja, Advocate
for North MCD/R-1.
Ms. Sukriti Ghai and Mr. Manas
Bhatnagar, Advocates for Mr. Devesh
Singh, ASC (Civil), GNCTD for R-2
& R-3.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH
ORDER

% 22.10.2020 Hearing has been conducted through Video Conferencing.

This is an application filed by the Petitioner alleging non-compliance of the directions passed by the Court on 23.05.2017. He alleges that despite directions, neither the encroachments have been removed nor the meetings have been convened by the Respondents. Relevant portion of the order of the Division Bench is as under:

"4. When the matter came up for hearing on the last date of hearing, this Court had passed the following order:-

"Petitioner is a traders association of Sadar Bazar. The petitioner alleges that the area in question has been declared a "no-hawking", "no-vending" zone by the North Delhi Municipal Corporation. Despite the boards being put up, the respondents are soft on the persons who have illegally encroached upon the roads in and around the area in question. Learned counsel for the petitioner submits that although in the counter affidavit, it is not disputed that the area is a "no hawking zone", but the hawkers

continue to occupy the area despite repeated action being taken for removal of encroachers. The photographs filed along with the rejoinder show a completely different picture. Learned counsels appearing for the respondents wish to take instructions in the matter as to how they propose to enforce their own orders as admittedly, the respondents are not helpless. We would expect that a meeting is held by two senior officers of both the Departments, who will then file an affidavit in Court as to how they propose to comply with their own orders. We may caution the respondents that in case they are unable to enforce their own orders, the Court would be forced to take a serious view in the matter.

List on 23.05.2017."

5. Today, we are informed by the learned counsels for the parties that a meeting was convened in the office of the Addl. Deputy Commissioner, S.P. Zone, NDMC on 17.05.2017 at 3.00 p.m. Copy of the Minutes of the meeting has been placed on record: The operative part of the minutes reads as under :-

"...It was clarified by the office bearers of Traders Association that as of now, no illegal/unauthorized squatting/hawking is going on in the area as regular actions are taken by both the departments. However, they have shown their apprehension that the area may again be used by illegal hawkers/squatters. It was assured by both the agencies that the regular monitoring will be done by the departments. However, for effective execution and cooperation, it has been decided that the regular meeting shall be conducted between the departments and traders association on every 1st and 15th of the month at 3.00 pm in the office of Addl. Dy. Commissioner, S.P. Zone and grievances of the Traders Association, if any, shall be taken care of properly. It was however also clarified that in case any public holiday on the stipulated date then the meeting shall be held on the very next day.

Minutes be circulated to all the concerned. This issues with prior approval of Dy. Commissioner, S.P. Zone."

6. Learned counsel for the petitioner submits that the petitioner is satisfied with the meeting held on 17.05.2017. He further submits that the writ petition may be disposed of in view of the above and binding the respondents to the stand taken by them in the meeting held on 17.05.2017.

7. Mr. Gupta, learned Standing Counsel for NDMC also submits that the minutes of the meeting shall be followed and the area shall be kept free from all encroachments.

8. Accordingly, we dispose of this writ petition. However, we direct the NDMC to place dated photographs on record of the entire area, within six weeks from today, on account of intervening holidays. The photographs will be placed on record on an affidavit. The photographs will also be counter-signed by the SHO of the area, the President of the Association, the Beat Constable and the Licensing Inspector, NDMC. These photographs shall form part of the Court record."

Learned Counsel for the Petitioner submits that the Respondents have no regard for the orders of this Court inasmuch as even the Status Report as directed by this Court on 20.01.2020, in the present petition, has not been filed.

Issue notice.

Mr. Mukesh Gupta, learned Standing Counsel accepts notice on behalf of North Municipal Corporation of Delhi/Respondent No. 1. He submits that the status report has been filed with an advance copy to the learned counsel for the Petitioner.

Status report is not on record. Let the same be placed on record. Ms. Ghai accepts notice on behalf of Respondent Nos.2 and 3 and seeks a period of three weeks to file Status Report. Let the needful be done within three weeks.

Mr. Gupta submits that the action as directed by the Court is being taken and shall be continued to be taken by the Municipal Corporation. He submits that a fresh status report shall be filed bringing on record the current situation at the Sadar Bazar.

Response to the status reports, if any, be filed by the Petitioner before the next date of hearing.

Needless to state that the Respondents shall ensure that the directions of the Division Bench are scrupulously complied with and the meetings as directed by the Division Bench are regularly held including the action for removal of the encroachers.

List on 17.12.2020.

JYOTI SINGH, J OCTOBER 22, 2020 sr