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

+ W.P.(C) 8632/2021 and C.M. No. 26713/2021

RAJAN Petitioner

Through: Mr. Pranav Jain, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION

AND ANR

..... Respondents

Through: Mr. Dhanesh Relan, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

25.08.2021

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1. The grievance of the petitioner is that unauthorised and illegal encroachment has come up in the form of Kiosks on the Side-Walks opposite Market No.2, H-Block, Mangolpuri, which are being used by illegal persons and hawkers. The encroachment has made the pedestrian movement and other movement in the area difficult.

2. Mr. Relan appears for the respondents. He submits that even the petitioner claims that encroachment was removed earlier. However, the encroachers have again occupied the pavement.

3. The respondents cannot shirk of their responsibility by carrying out the exercise of removing encroachment occasionally. It is their responsibility to ensure that Side-Walks are kept clear from illegal encroachments and hawkers on a continuous basis. We, therefore, direct the respondents to ensure that illegal encroachments of Side-Walks are cleared

on daily basis. The concerned Executive Engineer, Nr.DMC having jurisdiction over the area shall be personally responsible to ensure that all such encroachments in the said area are removed and they are not re-encroached upon. We direct the SHO, PS-Mangolpuri to provide requisite force to the Executive Engineer, Nr.DMC having jurisdiction over the area for removing the encroachments. The respondents and the Police shall also install Barricades to prevent re-encroachment, once the same is removed.

4. The other grievance raised by the petitioner is with regard to the parking of vehicles in the Community Park of the area. The petitioner has placed on record photographs which show that the said park is actually being used as parking lot for vehicles. That is not the purpose for which the park is developed. The respondents should, therefore, ensure that all such illegal parking in the park does not take place. All the vehicles parked in the park should be removed – if the owners of the vehicles themselves do not remove the vehicles after notice. We direct the respondents to maintain the said park by ensuring proper plantation of trees and removal of garbage. The status report should disclose the number of *Maalis* and other staff deployed to maintain the said park for its security and maintenance.

5. The respondents are directed to file their status reports/ reply within four weeks.

6. List on 18.10.2021.

VIPIN SANGHI, J

JASMEET SINGH, J

AUGUST 25, 2021

B.S. Rohella