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

+ W.P.(C) 8430/2021

COURT ON ITS OWN MOTION

..... Petitioner

Through:

Versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondent

Through: Mr. Sanjay Lao, Standing Counsel for
GNCTD.

Mr. Arjun Pant, Advocate, DDA.

Mr. Divya Prakash Pandey, Advocate
for SDMC

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

13.08.2021

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1. Yesterday, an incident of fire has been reported in a building at Nehru Place, District Commercial Centre. The said District Commercial Centre has several high-rise buildings, and in between these buildings, there is pavement area for circulation of people. On the said pavement area, over the years, hawkers and vendors have come to claim the space, meant for pedestrians. The enormity of the problem caused by the hawkers and vendors at the Nehru Place area can be seen from a video circulated on social media which shows that it was difficult for the fire tenders to access the building where the fire broke out. It also shows the complete lack of any cleanliness or maintenance on the part of the Municipal Authorities. We are also informed that the Nehru Place area has been declared as a no-hawking

no-vending zone.

2. On our query, we are informed by the SHO Virendra Singh, PS Kalkaji under whose jurisdiction the Nehru Place, District Commercial Centre falls that there are several orders of stay granted by the Courts in favour of the hawkers and vendors – which is the reason that even though the area has been declared as no hawking and vending zone, the said vendors have not been removed. He also states that the removal drive of the hawkers and vendors is conducted from time to time but other hawkers and vendors come back once the drive is over.

3. We find it difficult to understand how any person, who is not protected by Court orders, can continue to occupy any space, and hawk or vend without the connivance and blessings of the concerned local authorities.

4. We direct the Delhi Police as well as the SDMC to ensure, on a daily basis, that there is no hawking and vending resorted to at the Nehru Place, District Commercial Centre by any person who does not have an operative order of protection granted by any Court. The SHO, PS Kalkaji and the Executive Engineer concerned of the SDMC under whose jurisdiction the said area falls, shall be personally responsible to ensure compliance of this direction, and failure to do so on their part shall invite strict action against them by the Court.

5. The SHO has informed us that the re-development work has been going on in the Nehru Place, District Commercial Centre for a long time, and the agency is not completing the work.

6. We direct the SDMC, Delhi Police, and the DDA to hold a joint

meeting, and to place before the Court, status report(s) with regard to the implementation of the no-hawking no-vending policy qua Nehru Place, District Commercial Centre. The status report should disclose the particulars of all such agencies employed, and should also disclose as to which of the authorities, namely DDA or SDMC is getting the work done.

7. The status report(s) should also disclose all the orders of stay, as operative, which are claimed to be the reason why all encroachers, hawkers and vendors are not being removed from the said area despite it being declared as no-hawking no-vending zone.

8. Since it is stated by Mr. Pande, who appears for the SDMC that the Public Works Department of the GNCTD may also be getting some works done in the area, we direct issuance of notice to the PWD, GNCTD as well. They should also disclose as to why there is delay in the process of carrying out works in the Nehru Place area by filing a status report before the next date of hearing.

9. Since we have taken cognizance of this matter as a PIL, the orders with regard to its listing may be obtained from Hon'ble the Chief Justice by the office and, accordingly, the matter may be listed on the next date before the appropriate Bench.

10. List on 24.08.2021.

11. Looking to the urgency of the matter, it is made clear that no further time shall be granted for filing of the status reports to any department. In case, the status reports are not filed, the Commissioner, Delhi Police; Commissioner, SDMC; and Vice Chairman, DDA, as the case may be shall remain present on the next date of hearing.

12. The detailed status reports be filed before the next date of hearing.

VIPIN SANGHI, J

JASMEET SINGH, J

AUGUST 13, 2021

N. Khanna