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

+ **CONT.CAS(C) 375/2022**

MAIN SADAR BAZAR TRADERS ASSOCIATION REGD

..... Petitioner

Through: Mr. Nihil Singhvi and Mr. Shikhar
Kishore, Advs.

versus

KANHAIYA LAL YADAV & ORS.

..... Respondents

Through: Mr. Mukesh Gupta, SC along with
Mr. Mayank Ahuja, Mr. Raghav
Gupta, Advs. for NDMC.

Mr. Udit Malik, ASC along with Mr.
Pravesh Kaushik, Insp. And Mr.
Sandeep Singh, SI, PS Sadar Bazar

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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20.10.2022

CM APPL.45833/2022

1. By way of the present application, the petitioner seeks the following prayers:

“a) Allow the present Application and Direct the Contemnor/Respondent No. 1 to comply with the order dated 23.05.2017 in Writ Petition (C) 11645 of 2016 titled Main Sadar Bazar Traders Association (Regd.) vs. North Municipal Corporation of Delhi & Ors., as well as orders dated 08.03.2021 and 10.03.2021 in Contempt Case (C) 914/2019 and 01.10.2021 in Contempt Case No. 729 of 2021 and take immediate remedial actions for the hawkers/squatters;

b) Such other and further orders as this Hon 'ble Court may deem just, fit and expedient to be granted in favour of the Appellant.”



2. Respective counsel for the parties are in agreement that the order dated 23.05.2017, passed by this Court in W.P.(C)11645/2016, as well as orders dated 08.03.2021 and 10.03.2021 in CONT CAS(C)914/2019 and order dated 01.10.2021 in CONT CAS (C)729/2021, contemplates that the Sadar Bazaar area shall be kept free from all encroachments by unauthorised hawkers/squatters.

3. Learned counsel for the respondents do not oppose the prayers made in the present application, in view of the directions already contained in the aforesaid orders.

4. Accordingly, the respondents are directed to ensure that the directions contained in the aforesaid orders dated 23.05.2017, in W.P.(C)11645/2016, as well as orders dated 08.03.2021 and 10.03.2021 in CONT CAS(C)914/2019 and order dated 01.10.2021 in CONT CAS (C)729/2021, are complied with and the area in question is kept free from all encroachments by unauthorised hawkers/squatters.

5. It is noticed that vide order dated 01.10.2021, the following directions were issued:

“6. Let the Deputy Commissioner, North DMC explain the encroachment on the streets, depicted in the said photographs and put in place remedial measures. An affidavit shall be filed, along with before and after photographs, apropos the action taken throughout the Bazar.

7. The Deputy Commissioner shall file similar affidavits every 15 days. Photographs shall be taken at 5.00 pm in the evening to show that the Bazar has been kept free of encroachment, is litter-free and is otherwise free of obstruction in the movement of the people and access of visitors to shops.”

6. Although some affidavits are stated to have been filed by Deputy



Commissioner (NDMC), the affidavits have not been filed at regular interval in the aforesaid order. Accordingly, the Dy. Commissioner (MCD) is directed to file affidavits, every 15 days in terms of the aforesaid directions to show that the Bazaar is kept free from all encroachments, is litter-free and is otherwise free from the obstruction in the movement of the people and access of visitors to shops.

7. The respondent nos.1 to 3 are also directed to take necessary steps to ensure compliance with the aforesaid directions. It is imperative that extra vigilance is exercised by the respondent nos.1 and 3 and adequate manpower is deployed for due compliance, keeping in mind the festive season, to ensure that there is no presence of unauthorised hawkers/squatters in the Sadar Bazaar in question, and that there is no obstruction in the movement of the people and access of visitors to shops.

8. Let a compliance affidavit be also filed on behalf of respondent nos.1 to 3 within a period of seven days from today.

9. In terms of the aforesaid directions, the present application is disposed of.

10. List on 25.11.2022, the date already fixed.

SACHIN DATTA, J

OCTOBER 20, 2022/cl