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

+ **W.P.(C) 425/2025**

ASHOK KUMAR YADAV

.....Petitioner

Through: Mr. Ravin Rao, Mr. Pallav Gupta,
Mr. Akshit Sawal, Mr. Ayan Sharma
& Mr. Yashasvi Yadav, Advocates

versus

MUNICIPAL CORPORATION OF DELHI

AND ORS

....Respondents

Through: Ms. Beenashaw N. Soni, Standing
Counsel with Ms. Ann Joseph,
Advocate for MCD
Mr. Hemant Kumar Yadav, SPC for
R-3/UOI (Delhi Police)
Mr. Abhinav Sharma, Mr. Ausi Malik
and Ms. Aakriti Jain, Advocates for
GNCTD
SI Satyender, PS Samaypur Badli in
person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

11.03.2025

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1. The instant writ petition has been filed on behalf of the petitioner under Article 226 of the Constitution of India seeking the following reliefs:

“a. Direct the Respondent No.1 and 2 to remove the unauthorized and illegal constructions/encroachments on the Railway Road, Village Samaypur, Delhi, connecting the G.T. Karnal Road (National Highway) and the Samaypur Badli Railway Station/Metro Station and ensure that its width of 24 metres as per Government Records is maintained; and/or



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b. Direct the Respondent No.1 and 2 to remove the unauthorized and illegal vendors/hawkers laying their fruits/vegetable stalls on Railway Road, Village Samaypur, Delhi, connecting the G.T. Kamal Road (National Highway) and the Samaypur Badli Railway Station/Metro Station; and/or

c. Direct the Respondent No.1, 2 and 3 to restrain the fruits/vegetables vendors/hawkers from setting up unauthorized stalls on Railway Road, Village Samaypur, Delhi, connecting the G.T. Karnal Road (National Highway) and the Samaypur Badli Railway Station/Metro Station; and/or

d. Pass any such writ/order or direction, as is deemed fit and proper under the facts and circumstances of the case.”

2. Learned counsel appearing on behalf of the petitioner submitted that the vegetable vendors set up their stalls atop the covered drainage system alongside the road and at day's end, these vendors dispose of their waste directly into the drains, severely obstructing water flow and some vendors also discard waste onto the open road, creating accumulations that pose significant public health hazards.

3. It is submitted that due to the said encroachment and unauthorized vending by the vendors, the local people are facing serious problems and thus, it is prayed that the authority concerned may be directed to remove the encroachment as well as to demolish the unauthorized construction.

4. Ms. Soni, learned standing counsel appearing on behalf of the respondent No.1/MCD submitted that the MCD has already filed a status report which is on the record. It is submitted that since the area which is stated in the writ petition is maintained by the Public Works Department (hereinafter “PWD”), therefore, PWD is the appropriate authority, and it



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may be directed to take action against the encroachers as well as for the removal of the unauthorized construction.

5. While taking the reference of paragraph No.2 of the status report, learned counsel submitted that although certain action has already been taken, however, it is stated and ensured that if any temporary encroachment, construction, vegetables vendors or hawkers are concerned, MCD shall take appropriate action.

6. At this juncture, learned counsel appearing for the petitioner has taken a serious objection and submitted that the MCD may be directed to remove encroachment permanently. It is further submitted that there is no force in argument of the learned standing counsel appearing on behalf of the MCD that the encroachment had already been removed, as stated in paragraph No. 2 of the status report filed by the MCD.

7. Learned counsel for the petitioner further submitted that despite being removed, vendors persistently return to reoccupy the roads and erect temporary structures, thereby, again making encroachments. It is, therefore, prayed that this Court devise a permanent mechanism to address and prevent both permanent and temporary encroachments by these vendors, ensuring sustained compliance with relevant municipal regulations and public right-of-way provisions.

8. Heard learned counsel for the parties and perused the material on record including the status report filed by the MCD.

9. This Court is aware of the persistent menace of unauthorized encroachments and illegal vending, particularly in public spaces and along major roads. Unauthorized vendors, operating without valid licenses, not only obstruct the free flow of traffic but also cause significant



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inconvenience to pedestrians and commuters. Their activities often result in the accumulation of waste, unsanitary conditions, and environmental degradation, posing serious public health hazards. Furthermore, such encroachments disrupt urban planning efforts, and create law and order challenges, necessitating strict regulatory intervention.

10. Accordingly, this Court deems it necessary to ensure compliance with municipal regulations and safeguard public spaces from repeated unlawful occupation. It is crucial that public places, roads, and pathways remain accessible to all citizens without obstruction. Encroachments not only violate municipal laws but also deprive the public of their right to a clean and safe environment. The authorities must take immediate and stringent measures to prevent the re-emergence of unauthorized vendors and illegal structures. A comprehensive, long-term enforcement strategy, including regular monitoring, deployment of law enforcement personnel, and installation of surveillance systems, is essential to maintaining public order and ensuring that encroachment-free spaces remain accessible to the public.

11. Therefore, taking into consideration the aforesaid facts and circumstances as well as the submissions made by learned counsel appearing on behalf of the parties, the following directions are passed by this Court-

- a. The Assistant Commissioner of the MCD, Civil Lines Zone is directed to convene a meeting with the competent officials of PWD and SHO of the concerned police station, and file a detailed status report before this Court, within a period of four weeks with respect to the removal of unauthorized construction or encroachment on Railway Road, Village Samaypur, Delhi,



connecting the G.T. Kamal Road (National Highway) and the Samaypur Badli Railway Station/Metro Station.

- b. Further, the SHO concerned is directed to deploy one beat officer from 10:00 A.M. to 8:00 P.M., to prevent re-occurrence of such encroachment on the aforesaid site on a day-to-day basis.
 - c. The Assistant Commissioner of the MCD, Civil Lines Zone is further directed to fix/install CCTV cameras, if no CCTV cameras are at the site within a period of four weeks from today.
 - d. The Assistant Commissioner of the MCD, Civil Lines Zone is further directed to paste notice of 'No Vending Zone' on a notice board in the areas extending from the Railway Road, Village Samaypur, Delhi, connecting the G.T. Karnal Road (National Highway) and the Samaypur Badli Railway Station/Metro Station.
12. Let the status report be filed by MCD within a period of four weeks.
 13. List on 17th April 2025.

CHANDRA DHARI SINGH, J

ANUP JAIRAM BHAMBHANI, J

MARCH 11, 2025

Rt/ryp

[Click here to check corrigendum, if any](#)