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

+ W.P.(C) 10372/2017  
NEENA NARANG

..... Petitioner

Through: Mr. Satyajit Sarna, Advocate

versus

GOVERNMENT OF NCT OF DELHI AND  
ORS.

..... Respondents

Through: Mr. Gautam Narayan, ASC  
for GNCTD with  
Mr. Abhinav Goyal &  
Ms. Mahamaya Chatterjee,  
Advocates  
Mr. Ajay Arora, Advocate  
for NDMC/R2  
Mr. Ankit Jain, Advocate for  
R-10  
Insp. Ved Prakash, T1/Karol  
Bagh, Traffic circle with SI  
Vinod Dabas, Transport  
SI Ram Tirath, Pairvi  
Officer, Traffic

**CORAM:**  
**HON'BLE THE ACTING CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**ORDER**  
**17.04.2018**

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**CM APPL. 14866/2018( for direction)**

1. Issue notice.
2. Mr. Satyajit Sarna, advocate for the petitioner, Mr. Gautam Narayan, advocate for GNCTD and Mr. Ajay Arora, advocate for

North Delhi Municipal Corporation, accept notice.

3. Let replies, if any, be filed within four weeks. Rejoinder, thereto, if any, be filed thereafter.

**W.P.(C) 10372/2017**

4. On 22<sup>nd</sup> November, 2017, while issuing notice in the Writ Petition, we had noted certain illegalities pointed out by the petitioner and issued specific directions to ensure that those illegalities are not permitted.

5. Amongst others, we had noted that the pavements were being used for parking vehicles and unloading goods. Further, dealers of motorcycles had parked vehicles earmarked for sale on almost 3/4<sup>th</sup> of the road. It was also noted that the parking of vehicles was being effected in almost three out of four lanes in one direction on the roads in Karol Bagh, resultantly leaving only a single lane for the movement of traffic.

6. Appearing for the Writ Petitioner, Mr. Satyajit Sarna, learned counsel submits that initially the respondents had ensured the compliance of these orders, however, the same is not being ensured and that the position today is as bad as it was when the writ was instituted.

7. Additionally, our attention has been drawn to order dated 30<sup>th</sup> April, 2014 (Page 314), passed by the learned Single Judge of this Court in W.P. (C) 2694/2014 taking on record the submissions on behalf of the North Delhi Municipal Corporation regarding the construction of a multi-level parking in Shastri Park. The Court had noted its expectation that the matter of this construction would

conclude from the side of the Planning Department in all respects within three months therefrom. It is also noted that the initial public-private partnership towards creation of the multi-level parking was envisaged in the year 2009. So far as the steps towards the award of contract and commencement of work at the site were concerned it was specifically directed that the work in this regard should start within one year.

8. In order to ensure expeditious compliance of the directions, the Court order records that;

“It would be open to the Corporation to communicate this order to every department from whom an clearance or sanction is required”.

9. Thereafter, other than holding meetings, the matter does not appear to have moved one step. The record shows that the North Delhi Municipal Corporation is responsible for the construction and activation of this multi-storey parking.

10. To say the least, the above the facts disclose a shocking state of affairs so far as concerns with public welfare and public interest are concerned. Judicial notice can be taken of the fact that a construction project pursuant to the plan envisaged in the year 2009, has not even commenced nine years later in the year 2018 despite the intervention of the Court vide the order dated 30<sup>th</sup> April, 2014. The cost of constructions would have escalated leaps and bounds. The expenditure has to be met out of public funds. Undoubtedly, liability for the delay must be fixed.

The above narration and the orders placed before us would show that the North Delhi Municipal Corporation is, prima facie, in violation of the orders dated 30<sup>th</sup> April, 2014. Issue notice to show cause to the Commissioner, North Delhi Municipal Corporation why contempt of court proceedings be not initiated against him for violation of the order dated 30<sup>th</sup> April 2014.

11. In addition, so far as non-compliance of directions in order dated 22.11.2017 are concerned, we had specifically directed the Deputy Commissioner of North Delhi Municipal Corporation as well as the Deputy Commissioner of Police (Traffic) who would have jurisdiction over Karol Bagh, to ensure compliance of the directions.

12. For the time being, however, the present case is a fit case for issuance of a notice to show cause as to why contempt of Court proceedings should not be initiated.

13. Issue notice to show cause as to why contempt of Court proceedings should not be initiated against the Deputy Commissioner of North Delhi Municipal Corporation and Deputy Commissioner of Police (Traffic) for violation of order dated 22<sup>nd</sup> November, 2017.

14. The North Delhi Municipal Corporation shall place the details of the cost of the project as was envisaged in the year 2009, its escalation in the year 2014 when the Court order came to be passed and as on date. Compliance of our orders dated 22<sup>nd</sup> November, 2017 shall be shown.

15. Mr. Ajay Arora, accepts these notices for the Commissioner,

and the Deputy Commissioner, North Delhi Municipal Corporation, while Mr. Gautam Narayan accepts notice for the Deputy Commissioner of Police (Traffic) and seek time to file replies. Let the replies be filed within four weeks from today.

16. List on 30<sup>th</sup> July, 2018.

17. *Dasti*, under signature of the Court Master.

**ACTING CHIEF JUSTICE**

**C.HARI SHANKAR, J**

**APRIL 17, 2018**

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