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

+ W.P.(C) 241/2024

BINDAPUR DDA FLATS RESIDENTS

WELFARE ASSOCIATION (REGD.)

..... Petitioner

Through: Mr Anshuman Upadhyay, Mr
Manish Kumar Mishra, Mr Shashi
Bhushan and Mr Shreyas Mehrotra,
Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Ripu Daman Bhardwaj, CGSC
for UOI with Mr Kushagra Kumar,
Advocate.

Ms Mrinalini Sen, Standing Counsel
with Ms Poonam Meena and Ms
Shivangi Bhasin, Advocates for R-
2/DDA.

Ms Puja Kalra, Standing Counsel for
MCD with Mr Virendra Singh,
Advocate.

Mr Nipun Katyal and Ms Kismat
Chauhan, Advocates for R-4 & 5.

SI Joginder Singh, Pairvi Officer
Traffic and Inspector Nitesh Singh,
TI, Dwarka Traffic Circle.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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16.01.2024

CM No.1064/2024 (for Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.



W.P.(C) 241/2024 and CM No. 1063/2024

3. The present petition has been filed by the petitioner (Bindapur DDA Flats Residents Welfare Association), *inter alia*, praying that directions be issued to the respondents to ensure that the roads and streets within their colony (DDA Flats Bindapur Colony, Dwarka, New Delhi) is kept free from illegal street vendors.

4. It is the petitioner's case that the internal roads are now clogged with street vendors and therefore, it is impossible for any vehicle to traverse those streets. It is alleged that school buses have stopped plying at the said roads for picking up students residing in the area as it is impossible for those vehicles to do so. Similarly, it is claimed emergency vehicles find it impossible to enter the colony.

5. The petitioner has filed photographs of the streets, which clearly substantiate the aforesaid assertions. The photographs shows that the entire main street has been effectively turned into a market by innumerable street vendors.

6. Although protection has been granted under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 to street vendors, however, it is not possible to accept that the extent of street vending in a particular area can be permitted to effectively clog the entire streets and the right of way. The rights of various stakeholder are required to be balanced.

7. The learned counsel appearing for the concerned SHO, PS Bindapur as well as the Traffic Police states that actions have been taken repeatedly to ensure that the right of way is kept free from any encroachment. Copy



of photographs were stated to be taken on 13.01.2024 were handed over, which indicate that some of the streets are free from encroachment. The concerned SHO is directed to ensure that a proper right of way is maintained at all times.

8. It is also contended that some of the stalls illegally draw electricity. The photographs produced by the petitioner clearly show that vending stalls put up by street vendors are extensively illuminated, which supports the allegation made by the petitioner.

9. The concerned SHO shall ensure that no illegal electricity is drawn in the particular area.

10. The concerned SHO shall file a fresh status report within a period of four weeks from today.

11. List on 23.04.2024.

VIBHU BAKHRU, J

RAVINDER DUDEJA, J

JANUARY 16, 2024
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