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

+ **W.P.(C) 11669/2021**

NEW DELHI TRADERS ASSOCIATION Petitioner

Through: Mr. Sanjeev Ralli, Senior Advocate
with Mr. Mohit Mudgal, Ms. Shivani
Rautela & Mr. Devavrat Joshi,
Advocates.

versus

**NEW DELHI MUNICIPAL CORPORATION
& ORS.**

..... Respondents

Through: Mr. Sri Harsha Peechara & Mr. Ashim
Shridhar, Advocates for respondent
No.1.
Mr. Rishikesh Kumar, ASC with
Mr. Premsagar Pal, Advocate, for the
respondent No.2 & 3/ GNCTD.
Mr. N.K. Sahoo, Advocate for the
applicant.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **11.10.2021**

C.M. No.36073/2021

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

W.P.(C) 11669/2021 and C.M. No.36072/2021

3. Issue notice. Mr. Peechara accepts notice on behalf of the respondent No.1; and Mr. Rishikesh Kumar accepts notice on behalf of the respondents



No.2 & 3.

4. The petitioner – which is the association of traders of shop owners/ operators in the Connaught Place (CP) area, i.e., Rajiv Chowk and Indira Chowk, have preferred the present writ petition to seek directions to the respondents to ensure that illegal hawking and squatting/ vending activities in No Hawking and No Vending areas of Connaught Place and Connaught Circus (known as Rajiv Chowk and Indira Chowk) area stop permanently and the said areas are kept free from encroachments by illegal hawkers and vendors/ squatters. The petitioners also seek a direction that once removed, the hawkers do not resurface.

5. Mr. Ralli, learned senior counsel for the petitioner has, firstly, drawn our attention to the scheme framed by the NDMC as per which Connaught Place area, i.e. Rajiv Chowk and Indira Chowk have been declared as no hawking and no vending zone. He has also drawn our attention to the order passed by the Supreme Court which approved the said scheme. Mr. Ralli has shown us the relevant documents which establish that Connaught Place area has been re-designated as Rajiv Chowk and Indira Chowk. He has also drawn our attention to the orders passed in earlier proceedings where again the stand of the respondent/ NDMC has been recorded that Rajiv Chowk and Indira Chowk are no hawking and no vending zones. The petitioner has placed on record several photographs which show the present state of affairs on the ground in the Rajiv Chowk and Indira Chowk areas. There are scores and scores of hawkers and vendors who are occupying public spaces on the pavements meant for pedestrian use. Large areas have been occupied by them to display their goods and wares which they are vending. Large congregations of crowds can be seen around these vends. The photographs



placed on record show complete lack of concern by the respondent authorities to the unauthorised encroachments, and expose their utter lack of competence in ensuring compliance of their own scheme, as well as the orders passed by this Court as well as the Supreme Court from time to time. It is as if the respondents have completely surrendered and accepted the invasion by hawkers and vendors and they have put their hands up, accepting helplessness.

6. Mr. Peechara – who appears on behalf of respondent No.1, states that there are about 80 hawkers, who were issued *Tehbazari*, within the entire Connaught Place area. He submits that the scheme placed on record is not complete, and even in terms of the scheme approved by the Supreme Court vide order dated 17.05.2007 in W.P. (C.) No. 1699/1987 titled ***Sudhir Madan & Others Vs. Municipal Corporation of Delhi & Others***, these vendors were not sought to be disturbed.

7. Mr. Peechara submits that the respondent Corporation has only two Engineers assigned to look after the entire Connaught Place area, and he submits that the squatting and vending activity start in later part of the day, i.e. after the working hours of the officers of the respondent Corporation.

8. We find these submissions to be completely unacceptable. It is for the respondent Corporation to manage its affairs, and it cannot express its helplessness for the aforesaid reasons. It is for the respondent Corporation to decide how many officers are required to be posted to manage its affairs and discharge its statutory obligations in the area falling within its jurisdiction. If more officers are required, it is for the respondent Corporation to depute them and it is not for this Court to monitor the said aspect.



9. Similarly, we cannot accept the submission that squatting and vending takes place after the office hours and, therefore, the respondents are not responsible. Firstly, this is not borne out from the record, since the photographs show their time-stamp of around 02:02:23 p.m., and secondly, in any event, it is for the respondent to ensure that sufficient officers are on duty round the clock.

10. Mr. Peechara submits that the respondent Corporation has been writing letters to the Delhi Police to provide force for removal of the encroachments.

11. At this stage, we may observe that the authorities like NDMC are very efficient when it comes to writing letters and keeping their “record” straight. However, they have miserably failed while discharging their obligations on the ground. We are not satisfied with the mere paper exercise that the respondent claims to have undertaken. In our view, such an exercise is merely undertaken to shun responsibility by the officers, and pass the buck on.

12. Mr. Kumar – who appears for the Delhi Police, states that the Police is willing to provide the force for removal of encroachments contrary to the scheme framed by the NDMC.

13. We fail to understand as to why such statements are made only when the matter is brought before the Court. Is it that the Delhi Police is not conscious of its duties and responsibilities otherwise?

14. We, therefore, issue a stern warning to both – the officers of the NDMC as well as to the Delhi Police who have jurisdiction over the Connaught Place area, i.e. Rajiv Chowk and Indira Chowk, to ensure strict compliance of not only their scheme approved by the Supreme Court, but



also the orders passed by the Supreme Court and by this Court. There should be zero tolerance shown by them, and all hawkers, vendors – except the original 80 odd vendors – as stated by Mr. Peechara, should be removed bag and baggage. The rule of law has to prevail, and we cannot allow the city to be taken over by illegal encroachers/ vendors. Such failure on the part of the respondent authorities in discharging their duties very severely and adversely impacts the rights of the citizens of the city, including their right to life, which includes the right to a healthy and clean environment.

15. We direct the Chairman, NDMC as well as the Executive Engineers of the NDMC having jurisdiction over the Connaught Place area, as well as the DCP of the area concerned and the SHO of the local police station to remain present before us on the next date. Status reports should be filed by the NDMC and the Delhi Police about the steps taken by them-not only to remove the encroachments, but also to ensure that the illegal encroachers and vendors do not return and the area is kept clean on a continuous basis.

16. The respondent/ NDMC should display permanent boards in the entire Rajiv Chowk and the Indira Chowk areas displaying the fact that the area is a no hawking and no vending zone.

17. List on 08.11.2021.

18. Dasti.

VIPIN SANGHI, J

JASMEET SINGH, J

OCTOBER 11, 2021

B.S. Rohella