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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 8430/2021 & CM APPL. 27831/2021 and 27833/2021
COURT ON ITS OWN MOTION Petitioner

Through :

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents

Through: Mr. Sanjay Lao, Standing Counsel
with Mr. Karan Jeet Sharma,
Advocate for State/GNCTD.
Mr. Arjun Pant, Standing Counsel for
DDA.
Mr. Divya Prakash Pande, Standing
Counsel for SDMC.
Ms. Sakshi Popli, Standing Counsel
for DJB.
Mr. Pratap Singh, Advocate for PWD.
Ms. Indira Unninar with
Mr. Narayan Krishan and Ms. Nina
Bhalla, Advocates for Applicant in
CM Appl. 27833/2021.
Mr. Pranav Proothi, Advocate with
Ms. Manasi Chattpalliwar, Ms.
Avanatika Sharma, Advocates in CM
Appl. 27831/2021.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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07.10.2021

In pursuance to the last order, the Delhi Fire Services has conducted a mock fire drill at Nehru Place. During the said drill, the following serious shortcomings/hindrances were observed:

1. *None of the vehicle (Fire Engine, Ambulance) could reach to*

the incident place, fire tenders could only reach up to upper plaza, the lower plaza was not reachable. The time taken by the first fire unit was 11 minutes.

- 2. As the lower plaza was not approachable to fire units, pitching of rescue vehicles like hydraulic platforms will not be possible.*
- 3. The time taken by the various agencies was too high, which indicates that there are significant hindrances due to heavy pedestrian movement, heavy traffic, hawkers and parking problems.*

The Delhi fire service has made the following recommendations:

- 1. All the entries to the upper Plaza as well as lower plaza should be made clear by removing the Boom barriers, barricades etc. All the levels must be approachable to Fire engines by minimum 06m wide motorable road/ramps.*
- 2. The place may be made hawker free zone.*
- 3. Clear cut 06m wide road shall be ensured, the side parking should not be allowed.*

DDA, Delhi Police and SDMC are directed to ensure that the recommendations/suggestions given to this Court by the Delhi Fire Brigade are implemented at the earliest.

Respondents are also directed to earmark a lane for emergency services so that the fire brigade and ambulance can reach Nehru Place at the earliest without any hindrance/obstruction. DCP (Traffic) will ensure that the said lane is not encroached upon and is always free for movement for fire brigade and ambulance.

Learned counsel for respondent No. 2/SDMC states that despite the specific area being delineated for hawking, the hawkers are not restricting

themselves to the said area. He further states that only 95 vendors have interim orders in their favour from the Apex Court as well as from this Court. He also states that the hawkers/vendors are not complying with the terms of Tehbazari/conditions of vending.

Learned counsel for respondent No. 2/SDMC states that out of 95 street vendors who have injunction/interim orders in their favour, 33 have filed petitions in this Court while 62 street vendors who are part of Manushi Sangathan have filed petitions before the Supreme Court. He states that SDMC shall be filing an application for early hearing in the Special Leave Petition in which protection has been granted to 62 vendors, namely, *Manushi Sangathan Vs. SDMC, SLP (C) No. 28875/2018*. The said statement is taken on record.

Registry is directed to list the petitions filed by 33 vendors along with contempt petition being *CCP 703/2021*, subject to orders of Hon'ble the Chief Justice on 18th October, 2021. The particulars of the petitions filed by 33 vendors in this Court are as under:

1. *W.P.(C) 6823/2017 (lead matter), Premvati & Ors. Versus SDMC & Ors.*
2. *W. P. (C) 7307/2017*
3. *W. P. (C) 7405/2017*
4. *W. P. (C) 9611/2017*
5. *CCP No. 681/2017 in WP(C) No. 6879/2017*
6. *CCP No. 703/2021 in WP(C) 6823/2017*

This Court directs SDMC, DDA and Delhi Police to ensure that no other individual or entity other than 95 vendors, hawk in and around Nehru

Place. Even the identities of the 95 vendors shall be verified and the respondents shall ensure that the vendors comply with the terms and conditions of Tehbazari/vending.

This Court also directs Mr. Arjun Pant, Mr. Sanjay Lao, Mr. Divya Prakash Pande, Advocates along with members of the committee in particular, Chief Engineer Project, Additional CP (Traffic), Additional CP, South-East and Deputy Commissioner, Central Zone to visit Nehru Place within the next fortnight at a mutually convenient date and time and file a status report. The said report shall be filed at least a week prior to the next date of hearing. Ms. Sakshi Popli, Advocate appearing on behalf of Delhi Jal Board is also directed to file a status report within two weeks.

List on 10th November, 2021.

MANMOHAN, J

NAVIN CHAWLA, J

OCTOBER 7, 2021
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