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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5002/2017 & CM APPL. 32605/2021 (for directions), CM
APPL. 60363/2023 (for directions)
CHANDNI CHOWK SARV VYAPAR MANDAL (REGD.)

..... Petitioner

Through: Mr. Sanjeev Ralli, Sr. Adv. with Mr.
Mohit Mudgal, Mr. Shubham Yadav
& Mr. Ravi Kant Yadav, Advs.

versus

DELHI POLICE THROUGH COMMISSIONER OF POLICE &
ORS

..... Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD
with Mr. Aakash Dahiya, Mr. Yash
Upadhyay, Mr. Siddhant Dutt, Advs.
Mr. Vijay Singh, ACP, Inspector
Jatan Singh, SHO PS Kotwali,
Inspector Vikas Pania, T.I./Kotwali
and SI Ramesh Chand PS Kotwali
ASI Devender Singh, Pairvi Officer
Mr. Ajjay Arora and Mr. Kapil
Dutta, Standing Counsel with Ms.
Simran Arora, Adv.
Mr. Rishikesh Kumar, ASC/GNCTD
with Mr. Sumit Chaudhary, Mr.
Sudhir, Mr. Atik and Ms. Sheenu
Priya, Advs. for GNCTD
Mr. Dipak Raj, Mr. Kamlesh Kr.
Mishra, Mr. Aditya, Mr. Bibhuti
Bhushan Mishra, Mr. Kailash Kr. Jha,
Mr. Anjani Kr. Mishra, Mr. Deep Roy
and Mr. Himanshu Aulluck, Advs. for
Intervenor.



CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

20.12.2023

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1. The present petition seeks the following prayers:-

“I) to issue writ of mandamus or any other appropriate writ or directions to Respondents No. 1 to 3 to ensure that no squatting and hawking activities are carried on in the "non hawking/non squatting areas" of City Zone, North DMC including Chandni Chowk, Subhash Marg and other areas notified by Respondent No. 3 ;

II) to direct the Respondents 2 and 3 to ensure that the areas from where the illegal hawkers and squatters are removed ,are not reoccupied again for such prohibited activities;

III) to direct Respondents to ensure the compliance of the directions of the Hon'ble Supreme Court relating to non hawking/non squatting areas in Delhi as contained in orders/directions (Annexure P-3 to P-5 above) passed in Writ Petition (Civil) No. 1699/1987;

IV) to pass any other appropriate order as the Hon'ble Court deems fit and proper in view of the facts of the present case.”

2. Pursuant to the orders dated 22.11.2023 and 04.12.2023, the Special Task Force [‘STF’] had convened a meeting on 07.12.2023.

3. The Assistant Commissioner, City Zone, North DMC, Chandni Chowk, who is present in Court, has, by way of an affidavit, filed a status report on 19.12.2023. The same is on record. Apart from giving a detailed status report in respect of the actions taken, the affidavit also encloses therewith the minutes of the meeting of the STF held on 07.12.2023 at 04:15 PM. The said report is extracted hereunder:-

“Minutes of the Meeting of Special Task Force (STF) held on 07.12.2023 at 04:15 PM headed by Dy. Commissioner, City S P Zone in the Conference Room of City S P Zone, 1st Floor, Nigam Bhawan, Old Hindu College, Kashmere Gate, Delhi-110006 to discuss the issues regarding continuous operations for removal of encroachments in Chandni Chowk area, Ward-74.”

In compliance of orders of the Hon' ble High Court of Delhi dated



22.11.2023 and 04.12.2023 in WP(C) No. 5002/2017, titled as "Chandni Chowk Sarv Vyapar Mandal Vs Delhi Police through Commissioner of Police & Ors", a meeting of Special Task Force (STF) was held on 07.12.2023 at 04:15 PM in the Conference Room of Dy. Commissioner, City S P Zone, 151 Floor, Nigam Bhawan, Old Hindu College, Kashmere Gate, Delhi-11 0006 to discuss the issues regarding continuous action against illegal vending/encroachment in no hawking/no vending in Chandni Chowk, Subhash Marg area of City-SP Zone, MCD.

2. The following officers/ officials were present in the meeting:-

S.No.	Name	Designation
01	Sh. MohitBansal, ITS	Dy. Commissioner, CSPZ
02	Sh. Manoj Kumar Meena, IPS	DCP/North
03	Sh. Sudhanshu Verma, IPS	Addl. DCP-I/North
04	Md. RaziAlam Khan	Asst. Commissioner, CSPZ
05	Sh. Shakti Bangar	SDM (Kotwali)
06	Insp. Jatan Singh	SHO (Kotwali)
07	Sh. Robin Singh	L&O, PS-Lahori Gate
08	Sh. VikasPilania	TI/Kotwali
09	Sh. Vijay Singh	ACP/Kotwali
10	Sh. AjitKundra	Asstt. Manager, BSES
11	Sh. Vinay Kumar	LI/CSPZ
12	Mr. Mohd. Shakil	AE/CSPZ
13	Mr. AshfaulHoda	JE(M)-74
14	Sh. Sanjay Bhargava	President, CCSVM
15	Sh. Ajay Kumar	Secretary, CCSVM
16	Sh. Deepak Kumar	Gen. Secy. CCSVM

3. At the outset, Dy. Commissioner/CSPZ welcomed all the participants and brief the officers about orders of Hon'ble High Court of Delhi dated 22.11.2023 in the matter titled as "Chandni Chowk Sarv Vyapar Mandai Vs Delhi Police & orders" vide W.P.(C) No. 5002/2017 in Para 6 of the said order. Which is reproduced as under:-

Let a status report be filed at least three days prior to the next date of hearing by the heads of STF, as was formed in April, 2022 in respect of action taken till date with an advance copy to learned counsel appearing for the petitioner. The status report shall also include a plan as to how it proposes to deal with ongoing menace in future.

4. In this regard, it was informed that City-SP Zone, MCD from April, 2022 to 7th December, 2023, conducted **167 encroachment removal drives, which covered a total distance of 510.40 KM. During the drive 3236 articles were seized and a penalty of Rs.2,51,000 was recovered.**

5. DC (CSPZ) drew the attention towards the direction issued by the Hon'ble Supreme Court of India in WP (C) No. 1699 of 1987 dated 05.05.2006 that "We further direct the Delhi Police that whenever hawkers are removed from the non-hawking zones they shall see to it that



those areas are not reoccupied by them. We, hereby declare that every SHO shall be held personally responsible if such hawkers reoccupy the areas from which they have been evicted".

6. In light of the above directions of the Hon'ble Supreme Court of India, Deputy Commissioner, CSPZ mentioned that it is responsibility of the Police to ensure that after encroachment removal action by MCD, no encroachment should reoccur. Further, Delhi police beat officials deployed in Chandni Chowk, Subhash Marg shall keep strict vigil on regular basis

to ensure that the direction of Hon'ble Court could be complied in letter and spirit.

7. Sh. Vijay Singh, ACP, Kotwali, informed that local Police of concerned area have regularly provided support to MCD in removal of encroachment in Chandni Chowk, Subhash Marg. He also informed that 360 cameras have been installed which work as a third eye and the beat officials have been deployed for taking regular actions against any sort of recurrence of encroachment in Chandni Chowk and nearby areas. Further, he submitted action taken report against unauthorized hawkers/squatters and encroachers during the period 01.04.2022 to 07.12.2023 on day-to-day basis, which is as under:-

PS	Year	Action U/s 283 IPC		Kalandra		Action U/s 6 & 66.1 D.P Act	
		Cases	P/A	Kal.	P/A	Vehicle (Muds)	Articles (Mudes)
Kotwali	2022 01.04.22 to 31.12.22	163	163	NIL	NIL	145	237
	2023 01.01.23 to 07.12.23	391	391	NIL	NIL	243	319
Total		554	554	NIL	NIL	388	556

Lahori Gate	2022 01.04.22 to 31.12.22	152	152	75	75	54	507
	2023 01.01.23 to 07.12.23	243	243	73	74	36	496
Total		395	395	148	149	90	1003

8. Deputy Commissioner, CSPZ, the head of STF emphasized that coordination and support among MCD, Police, PWD, District administration and other stakeholders are essentially required for compliance of the order of Hon'ble High Court.

9. After detailed discussion in this matter following were decided:

(i) Joint encroachment removal drive comprises of officials of MCD and Delhi Police will be taken on regular basis.

(ii) Beat officials of Delhi Police will keep vigil in the area after every encroachment drive and prevent resurfacing/return of the illegal hawking/vending in no hawking/no vending area.



(iii) DCP North has given assurance to provide sufficient number of Police personnel for encroachment removal drive and to prevent its recurrence. MCD will share schedule with Delhi Police and vice-versa for this drive.

(iv) STF will hold regular review meeting every quarter and review the action taken in this regard.”

4. Perusal of the said minutes of meeting clearly indicates that the orders passed by this Court on 22.11.2023 and 04.12.2023 have been duly complied with, inasmuch as, the methodology as to how to handle the unauthorised encroachment etc. are to be acted upon regularly has been categorically specified. After the detailed information, the STF had formulated the following actions:-

“(i) Joint encroachment removal drive comprises of officials of MCD and Delhi Police will be taken on regular basis.

(ii) Beat officials of Delhi Police will keep vigil in the area after every encroachment drive and prevent resurfacing/return of the illegal hawking/vending in no hawking/no vending area.

(iii) DCP North has given assurance to provide sufficient number of Police personnel for encroachment removal drive and to prevent its recurrence. MCD will share schedule with Delhi Police and vice-versa for this drive.

(iv) STF will hold regular review meeting every quarter and review the action taken in this regard.”

5. That apart, Mr. Ralli, learned Senior Counsel appearing for the petitioner has invited attention of this Court to CM APPL. 60363/2023 particularly, to paragraph 3 containing the extracts of the relevant portions of the various orders passed by this Court during the *interregnum* of the pendency of the present petition.
6. A perusal of the said orders as extracted, display the anxiety of this Court in order to ensure enforcement of rule of law as also keeping in check the encroachments in the non-vending zones. The extracts of the said orders be read as part and parcel of the present order. It is also



observed from the said orders that the SHO of PS Lahori Gate and the Commissioner of MCD were given various directions to ensure that the rule of law prevails.

7. We have carefully perused the said orders and are of the considered opinion that the SHO of the concerned PS as also the Assistant Commissioner of the concerned zone, MCD shall be personally responsible to ensure that the directions, as formulated by the STF in its minutes dated 07.12.2023 shall be scrupulously followed and implemented by the local authorities.
8. In view of the submissions so made, we dispose of this writ petition with a direction that the respondents shall strictly adhere with the actions to be undertaken as decided by the STF in its minutes dated 07.12.2023 and non-compliance thereof shall be viewed seriously by this Court. The strict vigil and action on day to day basis must be taken and in case the encroachments are not removed or re-occurs, the Assistant Commissioner of MCD of the concerned zone and SHO of Police Station Lahori Gate and Kotwali shall be held personally responsible.
9. In view of the above, the present writ petition is disposed of along with pending applications.

TUSHAR RAO GEDELA, J

RAVINDER DUDEJA, J

DECEMBER 20, 2023/vp,rm