

\$~S-1 to 3

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

+ **CONT. CAS (C) 564/2010, C.M. APPL.14826/2010, 793/2012**

MANUSHI SANGATHAN ..... Appellant

versus

P.K. PANDA AND ORS. .... Respondents

+ **W.P.(C) 8580/2009, C.M. NO.5656/2009**

INITIATIVE FOR TRANSPORTATION AND DEVELOPMENT  
PROGRAMMES ..... Petitioner

versus

MCD AND ORS. .... Respondents

+ **W.P.(C) 4572/2007, C.M. NOS.20073/2015, 26334/2015 &  
26335/2015**

MANUSHI SANGATHAN, DELHI ..... Petitioner

versus

GOVT. OF DELHI AND ORS. .... Respondents

Through: Ms. Indira Unninar and Sh. Narayan  
Krishan, Advocate, for petitioner in Item Nos. 1 to  
3.

Sh. Anupam Varma, Sh. Nikhil Sharma and Sh.  
Raghav Chadha, Advocates, for BSES YPL in  
W.P.(C) 4572/2007.

Ms. Madhu Tewatia and Sh. Sachin Saini,  
Advocates, for NDMC.

Ms. Meera Bhatia, Advocate.

Sh. Arun Birbal and Sh. Sanjay Singh, Advocate,  
for DDA.

Sh. A.K. Gautam and Sh. Ranbir. S. Chhillar,  
Advocates in W.P.(C) 4572/2007.

Sh. Rahul Mehra, Sr. Standing Counsel and Sh.  
Naushad Ahmed Khan, ASC Civil with Ms.  
Sanyog Bahadur and Sh. Shekhar Budakoti,  
Advocates, for GNCTD.

Sh. Anuj Aggarwal, ASC.

Sh. Sang Norbu Mosobi, DCP Northern Range

with Sh. Ravinder Kumar, ACP Traffic and Inspector Bhanu Pratap Singh.

Sh. Sanjeev Ralli and Sh. Dipankar Wadhwa, Advocates, for Chandni Chowk Sarv Vyapar Mandal.

Ms. Geetanjali Mohan, Advocate, for Railways.

Inspector Surendra Singh and SI Bharat, PS Kotwali in Cont. Case 564/2010.

**CORAM:**

**HON'BLE MR. JUSTICE S. RAVINDRA BHAT**

**HON'BLE DR. JUSTICE S. MURALIDHAR**

**ORDER**

%

**10.12.2015**

**Encroachment of public path:**

The MCD has filed a status report with the photographs indicating that some action was taken to remove the obstructions and encroachment on the footpaths as well as the public road in Chandni Chowk. These are in front of Digamber Lal Jain Mandir, Gauri Shankar Temple and Gurudwara Sheesganj Sahib. The other two structures in respect to which steps are yet to be taken are a Hanuman Mandir between the Town Hall and Fountain Chowk (located on the northern side) on the side of the Fountain Chowk, and the Bhai Mati Dass Smarak which is in the middle of the Fountain Chowk. The former measures nine square metres and latter six square metres.

With there being no dispute that these encroachments are on public spaces, i.e. on the public street/road and the public pavement, it cannot be argued that the removal of such unauthorized structures constitutes an infringement of the right to profess or practice religion by any sect or body. The photographs enclosed with the

report of the MCD show that, as far as the Digamber Lal Jain Mandir, the Gauri Shankar Temple and Gurudwara Sheesganj Sahib are concerned, the structures/projections outside these institutions continue to obstruct free pedestrian movement. The MCD shall clarify by the next date whether existing colonnades of these institutions are in conformity with its bye-laws and the permissible norms in the rest of Chandni Chowk.

The MCD is further directed to indicate by the next date, the exact dimensions of all of the above encroachments/obstructions on the carriageway, pedestrian pathway/footpath and the public road, even while indicating a comprehensive plan for their removal. The GNCTD and the Delhi Police are directed to cooperate and ensure that the order dated 30<sup>th</sup> April, 2015 of the Court is duly implemented. Four weeks' time is granted for this purpose.

**Handing over of Town Hall site:**

The GNCTD and MCD shall forthwith discuss the issue of handing over Town Hall site for the purpose of shifting of transformers. A decision in this regard shall positively be informed to the Court on the next date of hearing.

**Redevelopment of Chandni Chowk:**

The affidavit of the GNCTD tendered today in Court encloses a PERT Chart for completion of various stages of re-development of Chandni Chowk. This will be examined on the next date.

**NMV lanes:**

The GNCTD and the Delhi Police have placed on record their respective affidavits in compliance with the directions issued on the

previous date. They indicate the details of the non-motorised vehicle (NMV) lanes which exist and those which are proposed. The details of those in progress have also been indicated. In addition, a map showing the areas where the NMV lanes have been completed has also been placed on record by the GNCTD. The Delhi Traffic Police's affidavit encloses several photographs which show either encroachments or obstructions on the NMV lanes that have been created, which obviously hinder free movement of NMVs. Learned counsel for the GNCTD and the Delhi Traffic Police seek a short adjournment to present, in consultation with each other, a working plan for operationalising of the existing NMV lanes with effect from 1<sup>st</sup> January, 2016.

List on 17th December, 2015 at 4.00 pm for this purpose.

**S. RAVINDRA BHAT, J**

**S. MURALIDHAR, J**

**DECEMBER 10, 2015**  
**ájk**