

(2013) 02 DEL CK 0353

In the Delhi High Court

Case No : LPA 240 of 2008

Amrik Singh

APPELLANT

Vs

Local Shopping Complex Welfare Association and Others

RESPONDENT

Date of Decision : 28-02-2013

Acts Referred:

Citation : (2013) 02 DEL CK 0353

Hon'ble Judges : D. Murugesan, C.J;V.K. Jain, J

Bench : Division Bench

Advocate : Salil Paul, for the Appellant; Ajay Verma, for DDA, for the Respondent

Final Decision : Dismissed

Judgement

1. Vide letter dated 25.5.1990, the Delhi Development Authority informed the Deputy Commissioner of Police (Traffic) that it had no objection to a taxi stand site being indicated on the layout plan of the Local Shopping Centre, Mayur Vihar, Phase-II, which could be allotted by the Land Department of DDA purely on temporarily basis, and on which no permanent structure was to be erected. Vide letter dated 29.11.1991, DDA informed the Deputy Commissioner of Police (Traffic) that DDA had no objection to issuance of a notification, notifying a general taxi stand at Local Shopping Complex, Mayur Vihar, Phase-II, New Delhi. Accordingly, a Notification dated 13.1.1992 was issued by Deputy Commissioner of Police (Traffic) with respect to a General Taxi Stand/Free Taxi Parking site for parking of five taxies on the earmarked site in the Local Shopping Complex, Mayur Vihar, Phase-II, New Delhi on a temporary basis. In the year 1998, a suit was filed by the appellant Mr. Amrik Singh seeking a permanent and mandatory injunction for demolition of some temporary structure raised by one Ms. Sushma, defendant no. 5 in the said suit, on Plot No. 1, Local Shopping Centre, CGHS, Mayur Vihar, Phase-I, New Delhi. In that suit, the appellant alleged that DDA had allotted the site to him for parking the General Taxi Stand at Local Shopping Centre, Mayur Vihar, Phase-II, New Delhi and Deputy Commissioner of Police (Traffic) had sanctioned the taxi stand to him at the said site. He further alleged

that he was running the said taxi stand at the aforesaid site. The Deputy Commissioner of Police (Traffic) specifically denied that the aforesaid taxi stand was sanctioned to the plaintiff and stated that the sanctioned taxi stand was a general taxi stand meant to be used by the owners of DLT Taxies for public parking and for individual parking of the same. DDA which was defendant no. 4 in the said suit stated in its reply that it had cleared a general taxi stand on the aforesaid site.

2. The Local Shopping Complex Welfare Association of Mayur Vihar, Phase-II filed a writ petition alleging therein that the appellant Mr. Amrik Singh was running an unauthorized taxi stand which was demolished by MCD. Thereafter, he, in collusion with the officers of DDA and Traffic Police started running a taxi-cum-three-wheeler stand at the aforesaid site, after occupying the said site. It was further alleged that not only was the appellant in unauthorized possession of the aforesaid taxi parking stand, he had also got telephone as well as electricity connection installed there and had converted the illegal structure erected by him into a dwelling unit for taxi drivers. They accordingly sought directions to DDA and Delhi Police to remove the appellant from the aforesaid taxi stand site.

3. The learned Single Judge vide the impugned order dated 31.3.2008, directed that the temporary structure constructed by the appellant would be removed and he would not be permitted to put up any structure. DDA, MCD and Delhi Police were directed to ensure that the taxi stand was open for parking and should be utilized by any taxi driver who wanted to use the same. He also directed that a board will be installed clearly indicating that the site is a general or free parking site. Being aggrieved from the aforesaid order, the appellant is before us by way of this appeal.

4. It would be seen from the letters dated 25.5.1990, 29.11.1991 and the notification dated 13.1.1992 referred in the letter dated 2.1.1994 written by DDA that the site in question is meant for general taxi stand/free taxi stand where five taxies could be parked. This is not a site allotted either to the appellant or to any other individual. Despite the fact that the aforesaid site was never allotted to the appellant and was meant to be a general/free taxi stand, which could be utilized by any taxi driver for parking his taxi, the appellant raised a structure on the said site, obtained telephone and electricity connection and went to the extent of making a false averment in the civil suit filed by him that the aforesaid site had been allotted to him and the taxi stand had been sanctioned to him. Since the site was sanctioned to be used as a general/free taxi stand, the appellant had absolutely no legal right to obtain an electricity connection or telephone connection on the aforesaid site. Similarly, he had no right to raise any kind of structure, whether temporary or permanent on the aforesaid site. The learned Single Judge was, therefore, absolutely justified in directing the removal of the temporary structure constructed by the appellant on the aforesaid site and directing, DDA, MCD and Delhi Police to ensure that the aforesaid site was kept open for parking and could be utilized by any taxi driver. The purpose behind

directing installation of a board is to ensure that the appellant does not claim the aforesaid site to be his site/taxi stand and does not prevent other taxi drivers from parking their taxies on the aforesaid site or does not charge any fee from them. Therefore, no fault can be found with the directions given by the learned Single Judge in this regard.

5. The learned counsel appearing for the appellant requested that the appellant may be permitted to have a telephone connection at the aforesaid site, for the benefit of the persons seeking to hire the taxies. We, however, find no justification for such a request to be entertained. The aforesaid taxi stand being a general taxi stand meant for free parking of any taxi driver, the appellant has no right to take a landline telephone connection on the aforesaid site in his name. Nothing prevents the appellant from giving his mobile number to the person seeking to hire his taxi. Allowing the appellant to obtain a landline telephone connection on the aforesaid site would amount to recognizing that he has some legal right in the aforesaid site though in fact it is a general site meant for free parking of any taxi.

We also make it clear that no taxi shall be allowed by DDA/MCD/Delhi Police to be parked permanently at the aforesaid site since that would amount to reserving whole or part of the taxi stand for a particular taxi or a particular person. The aforesaid taxi stand, in our view, is meant for temporary parking/ halting by any taxi driver. Once a taxi driver leaves the site, the space so vacated can be utilized by any other taxi driver for temporary halt/parking of his vehicle.

For the reasons stated hereinabove, we find no merit in this appeal and the same is hereby dismissed. There shall be no orders as to costs.