
(2002) 02 DEL CK 0139

In the Delhi High Court

Case No : Criminal Writ Petition No. 51 of 2001

Shri V.N. Sethi

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 20-02-2002

Acts Referred:

Citation : (2002) 4 AD 190 : (2002) 97 DLT 831

Hon'ble Judges : Vinod Sagar Aggarwal, J;B.A. Khan, J

Bench : Division Bench

Advocate : Roopesh Sharma and amices Curia, for the Appellant; Shiv Kumar, Hima Kohli and Mukta Gupta, for the Respondent

Judgement

Khan, J.—A letter was received from one V.N. Sethi, resident of Frash Khana, Delhi complaining about closure of roads, snapping of telephone wires and electricity theft by one Murari Lal on some marriage function held on 18.11.2000. He alleged that all this had taken place in full public view and yet MCD and police authorities had failed to take any action in the matter.

2. This letter was treated as writ petition by this court by order dated 16.1.2001 and MCD, DDA and NCT of Delhi were asked to explain their position and the criteria/guidelines regulating grant of permissions for raising of "shamianas" on public roads.

3. In the counter filed on behalf of NCT of Delhi, it is submitted that no such complaint was received by any police or traffic authority nor was any complaint regarding cutting of telephone or electricity lines or digging of roads received from MCD/DDA/PWD. It is, however, pointed out that guidelines for regulation of processions, meetings, etc. were formulated pursuant to orders of this court in Crl.W.P.No. 2208/96 which were in force. Copy of circular issued in this regard has also been placed on record.

4. MCD has also denied that any of its authority had received any such complaint. It has all the same explained that three of its authorities - Director

(Horticulture), Director (Community Center) and Executive Engineers (Building) were dealing with granting of permissions for erection of "pandals" and tents in the parks, community centers and open spaces on public land and private land. But no such permission was being granted for erection of "pandals" or tents on public roads or ornamental parks. Apart from that, it was for the traffic police to deal with a complaint of traffic obstruction on roads.

5. Though both the NCT, Delhi and MCD have washed their hands off in the matter in a passing of the buck exercise, it is a matter of common knowledge that "shamianas" and "pandals" are raised even on roads during marriage season or elections with no holds barred causing considerable inconvenience to the public at large by obstructing free movement of people and free flow of traffic. It is also no secret that this at times happens within the gaze and knowledge of regulatory authorities. To deny this would be closing eyes to the reality. It is a different matter though that no formal complaints are lodged by the affected people before the authorities in this regard but that does not absolve them from doing their duty and enforcing the regulations in force.

6. This is not a case where appropriate legal measures are wanting. We are informed that both NCT and MCD had regulatory guidelines put in place pursuant to the orders of this court. The Supreme Court had also evolved and prescribed some on the subject matter. It was only a matter of strictly and sincerely enforcing and implementing these to show some end result. This, in our view, could be effectively done by setting up of a supervisory and monitoring body which would oversee and ensure compliance of guidelines in force on ground. This petition is accordingly disposed of by providing thus:- "Chief Secretary of NCT, Delhi and Chairman, MCD and DDA are directed to create a separate Vigilance Cell/Section drawn from all concerned departments to oversee the enforcement of guidelines/regulations in force on the subject matter and in case of deficiency in some areas to recommend further steps, if any, required for their strict compliance in convenience to the public and any likely damage to public amenities and property."