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

+ W.P.(C) 978/2016

FAROOQ

..... Petitioner

Through: Mr. Arvind Kumar, Ms. Surabhi Mishra and Mr. Akash Sahay, Advocates.

versus

COMMISSIONER OF TRANSPORT

GNCT OF DELHI AND ANR

..... Respondents

Through: Ms. Sweety Singh, Advocate for GNCTD.

ASI Devender Singh, Parvi Officer, Traffic. SI Santosh Kumar.

+ W.P.(C) 7714/2017

GRAMIN SEWA WELFARE
ASSOCIATION (REGD)

..... Petitioner

Through: Mr. Arvind Kumar, Ms. Surabhi Mishra and Mr. Akash Sahay, Advocates.

versus

COMMISSIONER OF TRANSPORT AND ORS Respondents

Through: Mr. Santosh Kumar Tripathi, SC with Mr. Arun Panwar, Mr. Pradyumn Rao, Mr. Utkarsh Singh, Mr. Kartik Sharma and Ms. Prashansa Sharma, Advocates.

ASI Devender Singh, Parvi Officer, Traffic with Insp. Maninder Singh.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

W.P.(C) 978/2016 & W.P.(C) 7714/2017

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ORDER
13.09.2023

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1. These two writ petitions have been filed by drivers/ operators of Rural Transport Vehicles on specific routes, [under the *Gramin Sewa* scheme].

2. In W.P.(C) 978/2016, the petitioner operates a *Gramin Sewa* vehicle on route No.60 [Mukandpur to Azadpur Delhi]. He has filed this writ petition for a direction upon the respondents to remove illegal vehicles plying as stage carriages on the aforesaid route. In W.P.(C) 7714/2017, the petitioner is an association of *Gramin Sewa* operators, who ply on permitted routes No. GS-9 [Shastri Park Metro Station to Mandawli] and GS-147 [Jheel to Kalyanpuri]. They have made a similar prayer in respect of illegal plying of stage carriages on the aforesaid two routes, particularly e-rickshaws.

3. The petitioners rely upon a notification dated 11.12.2014, whereby the Government of National Capital Territory of Delhi [“GNCTD”] prohibited the plying of e-rickshaws on 236 roads, enumerated in a Schedule to the notification.

4. The factual averments of the petitioners are not in dispute. The GNCTD has filed status reports from time to time, in which it is accepted that unauthorised vehicles do ply on the roads allocated for *Gramin Sewa*, but GNCTD has also enumerated the action taken against such illegal vehicles in special drives, and in the course of regular duties of the police personnel. The status reports filed in W.P.(C) 978/2016 indicate, *inter-alia*, as follows:



Status Report Dated	Action Taken	Number of Vehicles	For the Period
20.07.2016	On the stretch of Azadpur to Mukandpur action was taken against vehicles, including TSR, private van and Gramin Sewa.	1094	2015
	Action was taken for violation of permit/ RC condition, improper parking, under section 184 of the Motor Vehicles Act, 1988 [“the Act”], etc. A copy of the prosecution details is attached to the report.	868	01.01.2016 to 19.07.2016
	Zonal Officers have been directed to take action against all modes of transport which are found violating the Act, and traffic staff has been deployed to regularly check traffic violations and take actions against unauthorised vehicles.		
07.04.2018	Action was taken for violation of permit/ RC condition, improper parking, under section 184 of the Act, etc. A copy of the prosecution details is attached to the report.	1486	2016
		1786	2017
		196	01.01.2018 to 15.03.2018
	Efforts were made to augment the staff and deploy them to optimise their utilisation and minimise		



	traffic violations.		
20.09.2018	Challans were issued for unauthorised plying.	13504	01.01.2018 to 31.08.2018
	Vehicles (including Gramin Sewa) were impounded for unauthorised plying.	9297	01.01.2018 to 31.08.2018
13.07.2019	Action was taken for violation of permit/ RC condition, improper parking, under section 184 of the Act, etc. A copy of the prosecution details is attached to the report.	1790	2018
		972	01.01.2019 to 13.07.2019
16.02.2023	On the stretch of Azadpur to Mukandpur action was taken against vehicles, including TSR, private van and Gramin Sewa.	383	2022
	Action was taken for violation of permit/ RC condition, improper parking, under section 184 of the Act, etc. A copy of the prosecution details is attached to the report.	83	01.01.2023 to 31.02.2023
15.03.2023	Maximum possible action against all violating vehicles is being taken, including issuing challans and impounding of vehicles.		
	Sufficient members of the police personnel will be deployed on the subject route to take action against violators both by way of surprise checking, as well as on a regular basis.		



5. The status reports filed in W.P.(C) 7714/2017 contain similar details, which are as follows:

Status Report Dated	Action Taken	Number of Vehicles	For the Period
06.04.2018	Challans were issued to e-rickshaws under section 115/194 of the Act, which are playing on restricted roads in contravention of the notification dated 11.12.2014.	1577	2017
		967	01.01.2018 to 25.03.2018
	Prosecution of e-rickshaws for different violations of traffic rules.	1,25,422	2017
		29,968	01.01.2018 to 25.03.2018
	E-rickshaws were impounded for plying without registration certificate	3549	2017
		941	01.01.2018 to 25.03.2018
15.07.2019	Challans were issued to e-rickshaws.	3222	11.03.2019 to 14.07.2019
	E-rickshaws were impounded.	498	
	Sufficient traffic staff has been deployed with directions to take action against e-rickshaws, as and when found plying on restricted/prohibited roads.		
10.02.2023	Action taken against e-rickshaws for Gandhi Nagar/Vivek Vihar	2224	2018
		3336	2019



violation of no-entry zone:	Circle	659	2020	
		2255	2021	
		1065	2022	
	Mandawali/ Preet Vihar/ Mayur Vihar	4022	2018	
		1672	2019	
		122	2020	
		684	2021	
		2075	2022	
		Shahdara/ Seelampur	5800	2018
			4462	2019
	835		2020	
	6436		2021	
	4789		2022	
	14.03.2023	Sufficient staff has been deployed at the stretches in question to take action against plying of rickshaws on notified roads, and traffic inspectors have also been alerted to take necessary action.		
	Action taken against e-rickshaws for violation of no-entry zone:	Vivek Vihar	207	2023
Preer Vihar		428		
Shahdara/ Seelampur		144		



6. Mr. Arun Panwar, learned counsel for GNCTD, submits that GNCTD will continue to take necessary steps to ensure that the plying of unauthorized stage carriages, including e-rickshaws, on the routes allotted to *Gramin Sewa* operators is checked and minimized, to the extent possible. He submits that necessary reviews, in this regard, will be taken by the Deputy Commissioner of Police (Traffic) and other concerned officers at the appropriate level, to ensure that the petitioners' grievances are minimized.

7. In view of the action taken thus far, and the assurance of GNCTD that regular action will be taken in respect of the grievances of the petitioner, I am of the view that no further orders are required in this writ petition.

8. If the petitioners have any specific suggestions to offer, they may also submit those to the concerned Assistant Commissioner of Police (Traffic) of the area, who will take their suggestions into account and take appropriate steps.

9. The writ petitions are disposed of with these observations.

PRATEEK JALAN, J

SEPTEMBER 13, 2023

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