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

% Judgment delivered on: 08.11.2023

+ W.P.(C) 7885/2020, CM APPL. 27914/2020 & CM APPLN.
50144/2022

COURT ON ITS OWN MOTION

..... Petitioner

versus

SHAHJAHANABAD REDEVELOPMENT CORPORATION
(SRDC), GNCTD & ORS. Respondents**Advocates who appeared in this case:**For the Petitioner : Mr. Sanjeev Ralli Sr. Advocate with
Mr. Shubham Yadav, Mr. Mohit
Mudgal, Mr. Ravi Kant Yadav and Mr.
Chetanya Baweja, AdvocatesFor the Respondent : Mr. Rishikesh Kumar, ASC, GNCTD
with Ms. Sheenu Priya, Mr. Sudhir
Kumar Shukla, Mr. Sudhir and Mr.
Sumit Choudhary, Advocates
Mr. Manu Chaturvedi, Standing
Counsel for MCD
Mr. Anupam Varma, Mr. Nikhil
Sharma, Ms. Manu Tiwari and Mr.
Aditya Dhingra, Advocates for R-3.
Mr. Anuj Aggarwal, ASC, GNCTD
with Ms. Arshya Singh, Advocate for
R-6
Mr. Ajjay Arora, ASC for Delhi Jal
Board**CORAM:**
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA



JUDGMENT

SATISH CHANDRA SHARMA,C J. (ORAL)

1. The present PIL “*Court On Its Own Motion vs. Shahjahanabad Redevelopment Corporation (SRDC), GNCTD & ORS*” has been registered on the basis of cognizance taken by this Court in respect of a newspaper report dated 07.10.2022 which reflects the various stages of Chandni Chowk Development and the delay which occurred in its implementation.
2. This Court had issued various orders from time to time in the matter and also constituted a High Powered Committee by appointing a Chief Nodal Officer. The status reports filed from time to time reveal that the State Government and other agencies of the Union of India had certainly taken steps in the matter of re-development of Chandni Chowk, though certain applications have been filed by the intervenor highlighting certain aspects in respect of delay and alleged lethargy on the part of the administration in the matter of development.
3. This Court in light of various status reports and the affidavits filed by the intervenor, had directed the respondent No.6, Delhi Police *vide* the order dated 11.07.2023, to file a fresh affidavit in the light of the allegations made by the intervenor regarding non-compliance of the directions given by this Court from time to time. The detailed counter affidavit has also been filed. The Delhi Police has brought to the notice of this Court that it has taken appropriate action against unauthorized hawkers/squatters and encroachers, detailed in paragraphs 3 to 12 of the affidavit of Delhi Police, which are reproduced hereunder:-



“3. That the present Short Affidavit is being filed in compliance of the Order passed on the last date of hearing i.e. 16.02.2023.

4. That the present petition came to be registered upon the directions issued by this Hon'ble Court on 08. 10.2020, pursuant to a newspaper article published in The Times of India, New Delhi edition dated 07.10.2020, that highlighted the fact that the stretch of road between the Red Fort intersection and the Fatehpuri Masjid was not being maintained properly by the concerned agencies as allegedly there were stones and garbage all over the pathway, infested with broken bollards, dug-up footpaths thereby witnessing the sorry state of affairs.

5. That all the concerned civic agencies having control and jurisdiction of the area were thus issued notices on the said date of hearing, directing them to carry out all the necessary works and to take all such necessary steps so as to ensure that the dream project of building the corridor by the Shahajanabad Redevelopment Corporation (hereinafter referred to as 'the SRDC'), which involved spending huge funds by the public exchequer, could be restored to its original/ intended form and shape.

6. That this Hon'ble Court, has from time to time, directed all the concerned authorities to file their Status Reports indicating the work/s or tasks achieved by them indicating the steps that they proposed to take for the purpose of achieving the above objective/s. The SRDC, being the coordinating agency for all the concerned departments and authorities, was assigned the responsibility of holding regular meetings between all the concerned stakeholders and to file Status Reports/ Minutes of Meetings before this Hon'ble Court from time to time.

7. That several tasks that were important for meaningful completion of the project such as installation of CCTVs, installation of street lights at certain stretches, development of pavements, completion of the stone-work, installation of boom-barriers, removal of overhead cables, removal of unipole, removal of encroachments, illegal cycle rickshaws/e-rickshaws, illegal hoardings and banners, etc. were directed to be



undertaken and completed by the concerned authorities for ensuring proper upkeep and maintenance of the aforesaid project.

8. That vide its Order dated 13.01.2022, this Hon'ble Court directed the Government of NCT of Delhi to place on record the final report of the DGM (Projects and Administration)/Nodal Officer in that regard.

9. That having been satisfied as regards completion/compliances of various directions as issued by this Hon'ble Court from time to time, it was noticed vide Order 23.08.2022, that only two aspects remained to be addressed which were as follows:

- a. installation of boom-barriers at the street junctions; and*
- b. installation of CCTV cameras and their control to be handed over to the Delhi Traffic Police.*

10. That as regards the above two aspects, their status is as follows:

A) CCTV:

(a) (i) ANPR Cameras have been installed by PWD on main Chandni Chowk stretch (from Red Fort to Fatehpuri) for the purpose of on line prosecution violating "No entry Violation". Feed of ANPR Cameras have been provided at Todapur Control Room. The online prosecution has been started from 13.02.2023. The prosecution figure on main Chandni Chowk stretch (From Red Fort to Fatehpuri) from 09.09.2021 to 09.03.2023 is as under: -

Head	Total Prosecution			
	2021	2022	2023(up to 12.02.23)	From 13.02.23 to 09.03.23 (through ANPR Cameras)
<i>No entry challan (fine of Rs.</i>	<i>3111</i>	<i>6348</i>	<i>1163</i>	<i>8541</i>



20,000/-)				
<i>VOCA Challan for improper parking</i>	5873	12548	703	325
Total	8,984	13,439	1866	8866

(ii) *Effective rate or conviction, quantum of fine-collection and rate of fine is subject to the decisions passed by the Court of the concerned Magistrate. However, details have been obtained regarding the same and month-wise detail in current year upto 09.03.2023 is as under:-*

SI. No.	Time period	Total No entry challan	Total challan contested in Court	Total fine paid in Court
01	2022	6,348	509	19,55,500/-
02	January 2023	957	45	2,24,000/-
03	February 2023	6,823	17	82,000/-
04	March 2023 (up to 09.03.2023)	1,924	07	33,000/-

(iii) *Adequate staff has been deployed at Red Fort Chowk to facilitate the pedestrians to cross the road and also to guide them for using subway, which is situated approx. 50 mtrs. away from the Ref Fort Chowk for hassle-free crossing of the pedestrians. Apart from this, adequate staff has been deployed on the main Chandni Chowk road to stop the entries of motorized vehicles. Regular patrolling is also being done by cranes at this stretch. Apart from this, personnel have been deployed on HC Sen Road to regulate the traffic and to ensure that no vehicle is parked between Kodiya Pul and Gurudwara Shish Ganj. Stafr has also been deployed on the Church*



Mission Road, Khari Baoli Road, Shanti Desai Marg, Rai Kedar Nath Marg & Nai Sarak to regulate the traffic and to ensure that no vehicle gets parked at these stretches.

b) Delhi Traffic Police has addressed letters to DGM (Project & Admin.), Nodal Officer, SRDC vide no. 4458/P.Section/DCP/T/Central Range dated 10.09.2022 & 8039/P.Section/DCP/T/Central Range dated 07.12.2022 to direct PWD to provide the details of location of Boom-Barriers & ANPR Cameras displaying in a map installed under SRDC project which is still awaited from their end.

Upon getting requisite details from the PWD, a wide publicity as regards restricted timings for motorized vehicles, exempted category of vehicles, quantum of penalty and location of Boom-barriers/ANPR Cameras displaying in a map for restricted area in accordance with notification dated 14th June 2021 issued by Delhi Transport shall be made for the awareness as well as for the convenience of the motorists/commuters.

B) BOOM BARRIERS:

Total 22 Boom-barriers have been installed by the PWD at 19 designated places to restrict the vehicular movement from 09 AM to 09 PM on main Chandni Chowk road (From Red Fort to Fatehpuri) & its surrounding roads in accordance with the notification No.F.19(17)/Sectt/Tpt/2020/49052 dated 14.06.2021 by the Transport Department, GNCTD. It is submitted that all the boom barriers that have been installed are unmanned.

11. That it is most respectfully submitted before this Hon'ble Court that all the concerned agencies are fully conscious of their duties and the vast amount of effort and public funds that have gone into the making of this project a reality and are thus taking all the required steps proactively by holding joint meetings between all the concerned stakeholders on regular basis and as many as 62 number of meetings have already taken



place till date, for the purpose of carrying out the repair and maintenance activities at the redeveloped stretch of Chandni Chowk Area to ensure proper and seamless coordination amongst them.

12. That it is still further submitted that such maintenance activities form the part of routine tasks undertaken by various civic agencies and public authorities involved in this project in particular or in carrying out any development or maintenance work in the city in general and may not require further judicial monitoring by way of this present petition, thereby consuming precious judicial time on the issues as petty as installation/ proper functioning of the boom-barriers in a particular part of the city.”

4. The intervenors have stated before this Court that the CCTV cameras have not been installed in the locality, whereas the various status reports reveal that the CCTV cameras have already been installed and are stated to be functioning. There was a dispute in respect of boom barriers installed at the entrance of the Chandni Chowk. Learned counsel for the intervenors has brought attention of this Court to the High Powered Committee meeting held on 25.06.2021 and 31.08.2022, wherein the Delhi Police has made a statement that they will be posting the concerned Beat Officer at 09:00 am and 09:00 pm for managing the boom barriers.

5. Learned counsel for the Government of Delhi was fair enough in stating before this Court that so far as the directions that the beat constable is to be present at the boom barriers at 09:00 am and 09:00 pm is concerned, they do not have any objection. However, he stated that for managing the boom barriers throughout the day, it would not be possible to post police personnel round the clock at the boom barriers, keeping in view the law and order situation in the locality and the



number of police personnel posted in the police station.

6. In the considered opinion of this Court, the Traders Association, who is the intervenor, also owes some social responsibility as the area is being developed for their welfare too. The entire re-development is for the betterment of the traders of the localities and therefore the traders shall also be free to devise a formula for managing the boom barriers by employing their own people in consultation with the Delhi Police. It is expected that the traders associations will take up the responsibility and come forward to assist the authorities in this endeavour.

7. Keeping in view the totality and the circumstances of the case and in the light of various status reports filed from time to time, this Court does not find any reason to continue with the present PIL.

8. However, the State Government is requested to ensure that the re-development work which has been carried out are continued and maintained.

9. Learned government advocate was fair enough in stating before this Court that it is the duty of the government and the MCD and other authorities to ensure that the redevelopment and beautification of Chandni Chowk, which has been brought back to its past glory, with the strenuous efforts of all the parties concerned, remains intact.

10. The Chief Nodal Officer shall also be free to pass the final order in respect of the body constituted by this Court as most of the issues have already been looked into and shall give an appropriate closure to this aspect.



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11. So far as the present *suo moto* PIL is concerned, the same stands disposed of.

(SATISH CHANDRA SHARMA)
CHIEF JUSTICE

(TUSHAR RAO GEDELA)
JUDGE

NOVEMBER 7, 2023/ms