

Sunil Kumar vs.It Governor of State of Nct Delhi and Ors.

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Court : Delhi

Decided On : Apr-17-2018

Appellant : Sunil Kumar

Respondent : Lt Governor of State of Nct Delhi and Ors.

Advocate for Def. : Mr. Gautam Narayan, Ms. Mahamaya Chatterjee, Mr. Abhinav Goyal, Mr. Gaurang Kanth

Advocate for Pet/Ap. : Dr. Surender Singh Handa

Judgement :

\$~18 *IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 4271/2017 %
Date of decision :

17. h April, 2018 SUNIL KUMAR Through : Dr. Surender Singh Handa,

... Petitioner

Adv. versus LT GOVERNOR OF STATE OF NCT DELHI AND ORS

... RESPONDENTS

Through : Mr. Gautam Narayan, ASC, GNCTD with Ms. Mahamaya Chatterjee and Mr. Abhinav Goyal, Adv. Mr. Gaurang Kanth, Adv. for EDMC. Singh, Insp. T.I./Khajoori Khas, Traffic Circle and S.I Ram Tirath, Pairvi Officer, Traffic. Rajender CORAM: HON'BLE THE ACTING CHIEF JUSTICE HON'BLE MR. JUSTICE C.HARI SHANKAR JUDGMENT (ORAL) GITA MITTAL, ACTING CHIEF

JUSTICE1 This writ petition seeks directions to the respondents to stop illegal movement of heavy vehicles on the Khajuri Khas Pusta Road W.P.(C)No.4271/2017 Page 1 of 4 connecting Village Khajuri Khas, East Delhi with DLF, Ankur Vihar, Loni, Uttar Pradesh.

2. During the pendency of this writ petition, several orders were passed which included the direction to the East Delhi Municipal Corporation to examine the CCTV footage on the bridge and the possibility of effecting CCTV surveillance.

3. We were informed that the East Delhi Municipal Corporation has no role regarding the maintenance of the Khajuri Khas Pusta Road, East Delhi.

4. In order to ensure a holistic examination of all the issues which are raised, given the fact that the road in question was also in the jurisdiction of the East Delhi Municipal Corporation, on the 30th of January 2018, we had directed as follows :
10. In view of the above, we would request Dr. Ranbir Singh, Commissioner, East Delhi Municipal Corporation to chair a meeting of Chief Engineer, PWD, Govt. of NCT of Delhi; Special Commissioner of Police (Traffic); senior officer representing the East Delhi Municipal Corporation as well as South Delhi Municipal Corporation and place before this Court an action plan so as to ensure that no heavy traffic plies on the Khajoori Khas Pusta Road connecting village Kahjuri Khas, East Delhi with DLF, Ankur Vihar, Loni in Uttar Pradesh.

5. We are informed that pursuant to our directions, on 28th February, 2018, a meeting was chaired by the Commissioner, East Delhi Municipal Corporation which included all the authorities, noted by us in our order dated 30th January, 2018 and an action plan stands finalized. W.P.(C)No.4271/2017 Page 2 of 4

6. A field inspection was taken on 13th March, 2018 by senior officers of the Delhi Government; Delhi Police; East Delhi Municipal Corporation and South Delhi Municipal Corporation when the proposed action plan was discussed. The Minutes of this Meeting have been placed on record. Pursuant to the deliberations, the following action plan has been placed before us : a) Two number of flexible Height Barriers be installed and maintained at designated locations by PWD. Exact locations be finalized by PWD in consultation with Traffic & Local Police.

Specifications for installation of the flexible Height barriers shall be provided by Traffic Police. Flexi barrier on Sabhapur side near Toll Plaza shall be manned by MEPIDL under protection of Local Police at checkgate. Flexi barrier on Khajuri side shall be manned by Local Police. (Action by: PWD, MEPIDL, DCP/North-East.). It is also proposed that Emergency Vehicles (Fire b) Brigade, Ambulance etc.), School Buses, Police vehicles should be exempted from the said ban & be allowed to ply on said stretch of road. c) 02 number of CCTVs with 360 view should be installed by MEPIDL in order to check movement of heavy vehicles on the road. (one near Toll Plaza on Sabhapur side and another on Khajuri side near Khajuri Flyover. 02 number of desktop/Monitors be installed on police check gates by MEPDIL & live feed from these 02 CCTVs be provided on these desktop for live monitoring by local police. (Action by : MEPIDL, DCP/North-East). d) for creating awareness about ban on movement of Heavy Commercial Vehicles on the said stretch be installed along the road by PWD. Content of such signages should be in consultation with Transport Department & Traffic Police. (Action by : PWD, Transport Signages finalized W.P.(C)No.4271/2017 Page 3 of 4 Department , DCP/Traffic). e) Joint drive be conducted by Traffic & Local Police in order to check entry & movement of heavy vehicles on the said stretch. Heavy vehicles entering on the said stretch be imposed with heavy challans and should not be allowed to enter Delhi & forced to return back from the check points. Further, any heavy commercial vehicle plying on the said stretch be seized by EDMC with the help of Police & towed away & heavy penalty be imposed as per rules by EDMC. (Action by : DCP (Traffic), DCP/North-East & DC/Shahdara North).

7. We accept the report submitted before us. The respondents shall ensure that the action plan is implemented at the earliest, and in any case, within a period of three months from today.

8. Ld. counsel for the petitioner has submitted that a representation dated 2nd April, 2018 has been filed by the petitioner - Shri Sunil Kumar with the Deputy Commissioner, East Delhi Municipal Corporation. Let this representation be examined by the Commissioner, East Delhi Municipal Corporation, who shall take a view thereon and if deemed necessary, pass appropriate orders directing the action proposed by the petitioner as well.

9. This writ petition is disposed of in the above terms. Dasti. APRIL17 2018/aj
ACTING CHIEF JUSTICE C.HARI SHANKAR, J W.P.(C)No.4271/2017 Page 4 of
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