

\$~7

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

+ C.M. APPLs., 10952-54/2020 in
W.P.(C) 2436/2019, CM APPLs. 11365/2019, 35930/2019

RESIDENT WELFARE ASSOCIATION NIZAMUDDIN
WEST (REGD.) Petitioner

Through: Mr. Kirti Uppal, Sr. Advocate
with Ms. Aastha Dhawan, Ms.
Shabnam Dhar and Ms. Diksha
Mathur, Advocates.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Ms. Mini Pushkarna, Standing
Counsel for SDMC alongwith
Ms. Richa Dhawan, Advocate.
Ms. Shobhana Takiar, Advocate
for R-4.
Mr. Abhay Prakash Sahay,
CGSC for R-7 & 10.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER
% **18.05.2020**

C.M. APPLs.10953-54/2020

1. Allowed, subject to all just exceptions.
2. The applications stand disposed of.

C.M. APPL.10952/2020 in W.P.(C) 2436/2019

1. This is an application preferred by the petitioner-Resident Welfare Association Nizamuddin West (Regd.).

2. The prayer clause in this application reads thus:

“In view of the aforementioned facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be graciously pleased to:

a. Allow the present application and direct the Respondents, in particular Deputy Commissioner, Central Zone, SDMC to install gates at points B1 and G8 in the Nizamuddin West Colony with immediate effect or;

b. In the alternative direct the Respondent No.4/SHO to continue operating existing barricades/pickets till the time fixed gates are installed;

c. Pass any such order(s) as may be deemed fit and proper in the facts and circumstances of the present case.”

3. Issue notice of this application to the respondents, returnable on 3rd June, 2020 for disposal of this application.

4. Ms. Mini Pushkarna, learned Standing Counsel accepts notice on behalf of SDMC. Ms. Shobhana Takiar, Advocate, accepts notice on behalf of Respondent 4. Mr. Abhay Prakash Sahay, learned CGSC accepts notice on behalf of Respondents 7 & 10.

5. Reply, if any, be filed within one week with advance copy to the other side, who may file rejoinder thereto, if any, before the next date of hearing.

6. Mr. Kirti Uppal, learned Senior Counsel for the applicant, submits that, though there are barricades/pickets at the entrance and exit to the colony, they are not being manned, and as a result, the colony has become a thoroughfare. This, he submits, creates a serious

health hazard, especially in the present situation, in which the city is ravaged by the COVID-2019 pandemic.

7. Ms. Takiar, learned counsel appearing for Respondent 4, points out that the photographs, annexed to the application, indicate that CRPF personnel are, indeed, manning the pickets/barricades.

8. To this, Mr. Uppal responds that the photographs reflect the earlier situation and that, thereafter, the CRPF personnel were removed, owing to some of the CRPF personnel having tested positive for COVID-2019.

9. In the circumstances, the respondents are directed to depute CRPF personnel at the pickets/barricades and, if CRPF personnel cannot be deputed for any reason, Delhi Police are to be deputed for the said purpose.

10. Needless to say, *this shall be done strictly in accordance with the guidelines framed by the Central and State Governments during the present period of lockdown, and not in derogation thereof.*

11. To the extent it is possible, *in accordance with the said Guidelines*, to keep the pickets/barricades manned, and to ensure that the colony does not become a thoroughfare for traffic, the respondents are directed to make all efforts.

C. HARI SHANKAR, J.

MAY 18, 2020*dsn*