



THE COURT OF THE SUB DIVISIONAL MAGISTRATE (RAJOURI GARDEN)  
GOVERNMENT OF NCT OF DELHI  
OLD MIDDLE SCHOOL BUILDING, RAM PURA, DELHI -110035

Case No. 407

Under Section: 133 Cr.P.C.

State

Versus

Vijay Kumar, S/o Late Somnath,  
R/o WZ-205A, Gali No.1, Uttam Nagar, Delhi

.....Respondent

**ORDER**

Whereas a Kalandara u/s 133 Cr.PC has been received from SHO, PS Hari Nagar wherein it is complained that the respondent is doing the welding work at 39/1, Double Storey, Ashok Nagar, New Delhi in the residential area which is causing noise and air pollution.

And whereas none appeared in pursuance of Conditional Order dated 06/02/2012 and therefore notice dated 24/02/2012 was issued upon the respondent and Sh. Vijay Kumar, Owner of the shop appeared on 06/03/2012 and subsequently on 14/03/2012 and filed written submission and photographs. He deposed that he is carrying welding work from the shop which is in residential location.

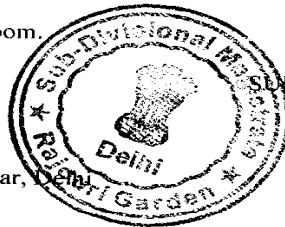
The Hon'ble Supreme Court of India vide order dated 07/05/2004 in the case of M.C. Metha Vs Union of India and Ors (2004) 6 SCC 588, directed all industrial/ polluting/ illegal activities violating provision of Master Plan 2001 to close down with immediate effect within a period of four months in all residential / non- residential areas of Delhi.

In view of the above, I am of considered opinion that Respondent is running a shop of welding work in the residential area which is causing noise & air pollution without obtaining any sanction/permission for the said activity from the Competent Authority at 39/1, Double Storey, Ashok Nagar, New Delhi that is injurious to the health and physical comfort of the community and that in consequence such trade or occupation should be regulated and such goods should be removed.

As per above discussion, I am satisfied that the Conditional order issued on 06/02/2012 u/s 133 Cr. PC (ii) requiring Respondent to stop running shop of welding work in the residential area which is causing noise & air pollution without obtaining any sanction/permission for the said activity from the Competent Authority at 39/1, Double Storey, Ashok Nagar, New Delhi which is causing discomfort to the residents of the locality, is reasonable and proper. This order is made absolute on the above mentioned ground.

Given under my hand and seal on 14<sup>th</sup> day of March, 2012.

File be consigned to record room.



(ANJU MANGLA)  
SUB-DIVISIONAL MAGISTRATE  
(RAJOURI GARDEN)

Vijay Kumar, S/o Late Somnath,  
R/o WZ-205A, Gali No.1, Uttam Nagar, Delhi

Copy to:

1. SHO, Police Station Hari Nagar, for implementation of this order, failing which action under section 188 of IPC shall be initiated.
2. The Chief Executive Officer, BRPL, BSES Bhawan, Nehru Place, New Delhi to disconnect industrial connection.
3. The Chief Executive Officer, DJB, Varunalaya, Jhandewalan, New Delhi to disconnect commercial/industrial water supply, if any.
4. Asstt. Programmer Officer, Distt. West with the direction to upload the same on the website of DC(West), Govt. of NCT of Delhi.

(ANJU MANGLA)  
SUB-DIVISIONAL MAGISTRATE