

PUBLIC GRIEVANCES COMMISSION
(Govt. of NCT of Delhi)
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Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Date of hearing: 2nd May, 2018

Complainant : Anil Kumar Mathur

Respondent : Deputy Commissioner,
Central Zone,
South Delhi Municipal Corporation,
Lajpat Nagar, New Delhi - 110024

Grievance No. : PGC/2017/MCD/339

Grievance filed on : 07.11.2017

First hearing in the PGC,
Scheduled on : 07.12.2017

1. Brief facts of the complaint

Sh. Anil Kumar Mathur filed a complaint in PGC on 7.11.2017 informing that an eatable outlet having tandoor as well as like south Indian dishes counter are running near the Community Centre, Block-7, Lodhi Colony. Also, some vegetable and fruit hawkers are encroaching the pedestrian path, but inspite of complaint made to Deputy Commissioner (South Zone), SDMC and SHO, PS Lodhi Colony, no action has been taken till date. Moreover, the encroachment is increasing day by day.

2. Proceedings in the Public Grievances Commission

The PGC has convened three hearings in the matter and in the last hearing held on 2nd May, 2018 following were present:

Complainant : present

Respondent : Sh.Ashok Kumar, Jr. Secretariat Asstt., SDMC
Sh. Zile Singh, ASI, PS Lodhi Road

3. Relevant facts emerging during the hearing

3.1 At the last hearing held on 10th Jan. 2018, the directions of PGC were as follows:

With the above direction in para 3.5 the DHO / AC Central Zone, SDMC and SHO (Lodhi Road) will be present with a status report on next date of hearing.

3.2 During the hearing on 2nd May, 2018 a report from Asstt. Commissioner, Central zone, SDMC is filed stating that :

It is submitted that actions for removal of temporary encroachments in the area of 4th Avenue Road near Community Centre, Block-7, Lodhi Colony and surrounding areas have been taken on 09.03.2018, 03.04.2018 & 05.04.2018 jointly with Health Deptt., & Works Deptt, and with police force. During the action, whatever temporary encroachments observed were removed. Letters have been sent to the concerned police authorities for prevention of re-encroachments. Copy of these letters is enclosed herewith for kind perusal. Besides, the officials of Health Department, Central Zone have been taken such actions separately on 18.04.2018 and 25.04.2018.

3.3 A report from the Addl. D.C.P., South Distt., has also been submitted stating:

Gist of complaint: complainant Shri anil Kumar Mathur has alleged that the vegetable and fruits vendors and eating items vendors are selling their products near community centre, Block -7, Lodhi Colony, New Delhi and also encroaching the pedestrian path but no action taken by the local police in this regard.

Facts emerged during enquiry : Enquiry revealed that the vegetable and fruits vendors and eating items vendors are selling eating items their products at block no. 7, Lodhi Colony, New Delhi area. The particular place comes under jurisdiction of SDMC and the authority removed road side encroachment from time to time with the help of local police. In this regard, the Hon'ble High Court has passed the order with the direction that no street vendor / hawker shall be evicted or relocated till survey specified under sub-section (1) of section 3 of Street Vendors (protection of livelihood and Regulation of Street Vending) Act, 2014 is completed and certificate of vending has been issued to all street vendors, in terms of the order dated 9th September, 2013 passed by the Hon'ble Supreme Court in Maharashtra Ekta Hawkers Union and another Vs. Municipal Corporation, Greater Mumbai and Anr. The complainant has already informed MCD. The role of police in removal of encroachment from the road side is limited. Police provide protection to the land owning agencies i.e. NDMC, SDMC or other Civic agency.

Conclusion : Enquiry revealed that the role of police in removal of encroachment from road side is limited as per the order passed by Hon'ble High Court. Police only provide protection to the land owning agencies. Local police has already informed the SDMC in this regard. No police action is warranted at this stage. Hence, the complaint may be filed.

3.4 The complainant present in the hearing is satisfied with the action of the SDMC.

4. Directions of the PGC

SDMC authorities have removed all the encroachment from the pavements and belongings have been seized and deposited in the municipal stores. The police authorities have been informed to prevent re-encroachment.

Asstt. Commissioner (Central Zone), SDMC and SHO, Lodhi Road are directed to keep a regular check in the area to prevent re-encroachment.

With the above directions in the matter the case stands closed at the level of PGC.

(SUDHIR YADAV)
Member (PGC)

Copy to:

- 1 Commissioner, South DMC, Shyama Prasad Mukherjee Civic Centre, Jawahar Lal Nehru Road, New Delhi - 110002.
- 2 Deputy Commissioner (Central Zone), SDMC, Near Jal Sadan, Shiv Mandir Marg, Lajpat Nagar, New Delhi – 110024
- 3 AC, Central Zone, SDMC, Near Jal Sadan, Shiv Mandir Marg, Lajpat Nagar, New Delhi – 110024.
- 4 DHO, Central Zone, SDMC, Near Jal Sadan, Shiv Mandir Marg, Lajpat Nagar, Delhi - 110024
- 5 DCP (South), PS Hauz Khas, New Delhi
- 6 SHO, PS Lodhi Colony, New Delhi
- 7 Sh. Anil Kr. Mathur