

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

+ **W.P.(C) 17515/2006**

LOCAL SHOPPING COMPLEX Petitioner
Through Mr. Mayank Kumar, Adv.

versus

UOI AND ORS Respondents
Through Mr. Devendra Nautiyal, Adv. for Mr. Anoop
Bagai, Adv. for respondents no.3 and 4
Mr. Jaggi with Ms. P S Shukla and Mr. Neeraj
Shamra, Adv. for respondent no.5

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

% **ORDER**
31.03.2008

1. The Local Shopping Complex Welfare Association near Samachar Apartments has filed the present writ petition for direction to respondents to remove the taxi stand of the respondent no.5, Mr. Amrik Singh. The stand taken by the petitioner is that respondent no.5 has unauthorisedly encroached upon government land and is using the land next to the shopping complex as a general taxi stand.
2. Respondent no.5 in his counter affidavit has stated that the said plot was allotted to him for a taxi stand in accordance with the existing rules. Respondent no.5 has relied upon letters dated 23/25.5.1990 and 29.11.1991. I have examined these letters which were written to the

Deputy Commissioner of Police (Traffic) indicating that under the layout plan of the local shopping centre, Mayur Vihar, Phase-II, the area in question is earmarked for a general taxi stand and allotment would be made on purely temporary basis or no permanent structure would be erected. Subsequently, by another letter dated 12.1.1994 it was decided that a general taxi stand/free taxi parking site for parking 5 taxis had been notified on temporary basis. These letters do not indicate that Mr. Amrik Singh has been allotted the said taxi stand and can set up any temporary or permanent structure and decide who can park his taxis on the said land. On the other hand letter dated 12.1.1994 specifically stipulates that on the recommendation of DDA, Deputy Commissioner of Police (Traffic), Delhi has issued notification vide which the area in question is earmarked for general taxi stand/free parking site for 5 taxis. No specific individual or person can claim any right to park his taxis. No one can object to any other person parking his taxis at the said site. The Deputy Commissioner of Police in his counter affidavit has pointed out that pursuant to letter dated 13.1.1992 the said respondents had issued notifications for running of general taxi stand on temporary basis.

3. DDA in their counter affidavit has stated that the taxi stand in question being operated by respondent no.5 is unauthorized and no allotment has been made by DDA in favour of the said respondent. It is also

stated that DDA vide letter dated 29.11.1991 had issued NOC for notification for general taxi stand.

4. It is clear from the above that respondent no.5 has not allotted the said taxi stand. The taxi stand in question is a general taxi stand or free taxi parking site for parking of 5 taxis which can be used by any taxi driver/owner. No person has exclusive right to use the taxi stand. Respondent no.5 cannot claim that the taxi stand belongs to him or impose any condition or prevent a third person from using the said taxi stand. All temporary structures constructed by respondent no.5 will be removed. He will not be permitted to put up any structure. DDA, MCD and Delhi Police will ensure that the taxi stand is open for parking and can be utilized by any taxi driver who wants to use the same. A board will be installed, clearly indicating that the site is a general or free parking site.
5. Learned counsel for the petitioner states that additional parking place is required due to construction of an electric sub-station. The petitioner can make a representation to the DDA in this regard. If found necessary and feasible, DDA can take action.

The writ petition is accordingly disposed of.

Dasti.

MARCH 31, 2008
vld

SANJIV KHANNA,J