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

+ W.P.(C) 15543/2023 & CM APPL. 62265/2023

SHARAD VASHISHT GENERAL SECRETARY W ONE DESU  
ROAD MEHRAULI ..... Petitioner

Through: Mr. Saurabh Sharma, Advocate.  
versus

GOVERNMENT OF NCT OF DELHI THROUGH ITS CHIEF  
SECRETARY & ORS. .... Respondents

Through: Mr. Santosh Kumar Tripathi,  
Standing counsel for GNCTD with  
Mr. Arun Panwar, Mr. Pradyumn  
Rao, Mr. Utkarsh Singh, Mr. Kartik  
Sharma, Ms. Prashansa Sharma, Mr.  
Rishabh Srivastava, Advocates for R-  
1,2,4  
Ms. Manika Tripathy, SC for DDA  
with Mr. Rony John, Advocate  
Ms. Beenashaw N. Soni, SC-MCD  
with Ms. Ann Joseph, Advocate for  
R-3  
ASI Devender Singh, Parvi Officer

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*Date of Decision: 04<sup>th</sup> December, 2023*

**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**J U D G M E N T**

1. The present Public Interest Litigation (“PIL”) has been filed with the following prayers:

“i. Direct the Respondent No. 1 to 3 to take immediate action and steps to manage the traffic and clear the Kalka Dass Marg for easy ingress and outgress of vehicles and residents of Mehrauli;  
and



ii. *Direct the Respondent No. 1 to 3 to take immediate action against the Respondent No. 7 to 22 for plying their Restaurant/Pubs/Bar business in non-conformity to Regulations regarding parking facility as codified in Gazette Notification No. 160/Joint CP/Licensing (EDP) Dated 08.04.2023, Ministry of Home Affairs has notified regulations for ‘Registration and Controlling of the Eating Houses in the National Capital Territory of Delhi; and*

iii. *Direct the Respondent No. 7 to 22 to not to create noise pollution by playing music/speakers on high volumes beyond permissible limits so that they does not cause any disturbance or threat to peace and tranquility of the area and around it, as codified in Gazette Notification No. 160/Joint CP/Licensing (EDP) Dated 08.04.2023, Ministry of Home Affairs has notified regulations for "Registration and Controlling of the Eating Houses in the National Capital Territory of Delhi; and*

iv. *Direct the Respondent No. 1 to 5 to check and confirm that no noise pollution is created by Respondent No. 7 to 22, in Mehrauli and no music is played beyond permissible hours as per codified Regulations issued by Delhi Police as well as Govt. of NCT of Delhi and in conformity to Gazette Notification No. 160/Joint CP/Licensing (EDP) Dated 08.04.2023, Ministry of Home Affairs has notified regulations for "**Registration and Controlling of the Eating Houses in the National Capital Territory of Delhi; and***

v. *Direct the Respondent No. 6 to ensure proper implementation of rules and guidelines of ‘The Ancient Monuments and Archaeological Sites and Remains Rules, 1959’ and other applicable Acts and Rules for protecting Qutub Minar and save it from damage and misuse for commercial purposes;*

vi. *Direct the Respondent No. 4 to take immediate action against the Respondent No. 7 to 22 and other pubs/bars/eateries in Mehrauli who are serving liquor without license and/or not following the excise guidelines issued by Govt. of NCT of Delhi; and*

vii. *Pass such other order(s) as this Hon'ble Court may deem fit in the fact and circumstances of the present case.”*

2. The petitioner, who is a resident of Mehrauli, New Delhi has raised various issues which concern the residents of Mehrauli, in view of the



numerous restaurants/pubs that are running on Kalka Das Marg, behind Qutub Minar, Mehrauli, New Delhi - 110030. It is the case of the petitioner that there is high footfall in the restaurants/bars run by respondent nos. 7 to 22 especially in the evening time, which continues till wee hours of morning. It is submitted that apart from few small parking spaces, there are no parking spaces in the area in question, due to which the vehicles of all the visitors are parked on road sides. This leads to huge traffic jams, due to which sometimes it takes two hours to cover a stretch of 500 metres for the petitioner and other residents of Mehrauli, to reach their houses/work places.

3. It is further pointed out that besides the problem of traffic jam, the respondent nos. 7 to 22 play music at high volume from evening till late hours in the night, which disturbs the petitioner and other residents, students, sick and old aged inhabitants of the area. The respondent nos. 7 to 22 have open rooftops to serve their customers and the music on these rooftops is played so loud and played till late hours in the night, that the residents of entire Mehrauli are affected by the same.

4. On the other hand, learned counsel appearing on behalf of respondents submit that the area in question, where the restaurants are existing, is a commercial area and that the said restaurants are being operated after obtaining requisite licenses. However, they submit that they are committed to comply with any directions passed by this Court with regard to the grievances raised by the petitioner.

5. Having heard learned counsel for the parties, this Court directs the petitioner to file separate representations with the Delhi Police and the Municipal Corporation of Delhi (“MCD”) respectively, raising all his grievances. The grievance of the petitioner regarding high decibel music in



the said restaurants till late night and the said restaurants are running without license, shall be looked into by the Delhi Police. The grievance of the petitioner regarding traffic jam and lack of adequate parking spaces in the area in question shall be looked into by the Traffic Police and the MCD. The petitioner is granted liberty to file the respective representations within two weeks raising all his grievances. The representation of the petitioner shall be decided by the respective bodies within four weeks of receipt of such representation. At the time of deciding the representation of the petitioner, the MCD may also explore the possibility of developing parking spaces in the vicinity of the area in order to tackle the problem of traffic jam in the area.

6. The present PIL is disposed of in the aforesaid terms.

**ACTING CHIEF JUSTICE**

**MINI PUSHKARNA, J**

**DECEMBER 4, 2023**

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