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

20+ W.P.(C) 52/2010 & CM No.115/2010 (u/S 151 CPC for stay)

SH. ASHOK KAPOOR ..... Petitioner
Through: Mr. Prag Chawla, Mr. Manoj Kapoor, Advocates.

Versus

GOVT OF NCT OF DELHI AND ORS. ..... Respondents
Through: Mr. Shoaib Haider, Adv. for Mr. N. Waziri, Adv. for R-1 GNCTD.
Mr. Ajay Arora, Mr. Kapil Dutta & Mr. Sarfraz Ahmed, Advocates for R-2 MCD.
Mr. P.C. Sen & Ms. Aanchal Yadav, Advocates for R-3 NDMC.

AND

21+ W.P.(C) 53/2010 & CM No.117/2010 (u/S 151 CPC for stay)

SMT. VEENA CHANANA ..... Petitioner
Through: Mr. Prag Chawla, Mr. Manoj Kapoor, Advocates.

Versus

GOVT OF NCT OF DELHI AND ORS. ..... Respondents
Through: Mr. Shoaib Haider, Adv. for Mr. N. Waziri, Adv. for R-1 GNCTD.
Mr. Ajay Arora, Mr. Kapil Dutta & Mr. Sarfraz Ahmed, Advocates for R-2 MCD.
Mr. P.C. Sen & Ms. Aanchal Yadav, Advocates for R-3 NDMC.

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AND

22+ W.P.(C) 60/2010 & CM No.125/2010 (u/S 151 CPC for stay)

CHANDER MOHAN KOHLI ..... Petitioner
Through: Mr. Prag Chawla, Mr. Manoj Kapoor, Advocates.

Versus

GOVT OF NCT OF DELHI AND ORS. ..... Respondents
Through: Mr. Shoaib Haider, Adv. for Mr. N. Waziri, Adv. for R-1 GNCTD.
Mr. Ajay Arora, Mr. Kapil Dutta & Mr. Sarfraz Ahmed, Advocates for R-2 MCD.
Mr. P.C. Sen & Ms. Aanchal Yadav, Advocates for R-3 NDMC.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER
% **08.10.2010**

1. The petitioner in each of these writ petitions claims to have a valid license of *tehbazari* rights from the respondent MCD for parking water trolleys and selling water at different locations mentioned in the tehbazari license issued by the respondent MCD to each of the petitioners. These writ petitions are filed to restrain the respondents MCD, NDMC and the Police Authorities from disturbing the said water trolleys of the petitioners.

2. The counsel for the respondent MCD on the last date of hearing informed that action against the petitioners was being taken in pursuance to the orders in W.P.(C) No.2199/2007 titled ***Shri Nitin Vs. Govt. of NCT of Delhi***. The counsel for petitioner was as such directed to place the copy of the said order in this Court as it was felt that if the action against the petitioner is being taken in pursuance to the orders in another writ petition, the appropriate course for the petitioners is to apply in that writ petition rather than by way of separate writ petitions.

3. The counsel for the petitioners has today handed over a copy of the order dated 4th February, 2010 disposing of W.P.(C) No.2199/2007. From a perusal thereof it transpires that the directions in that writ petition were only for removal of unauthorized Hawkers/Rehriwalas/Squatters on the Exit Gate and near the boundary/pavements of New Delhi Railway Station on Ajmeri Gate side/Thomson Road. The counsel for the petitioner states that the petitioners are *tehbazari* license holders, and being authorized are not liable to be proceeded against in pursuance to the said order.

4. The counsel for the respondent MCD also confirms the grant of licenses to the petitioners including at the Exit Gate of the New Delhi Railway Station.

5. The counsel for the respondent Delhi Police however states that the water trolleys are found parked on the main road and not on the pavement as these are required to be under the licence and it is for this reason that action against the water trolleys parked on the road, blocking the traffic, is taken.

6. In view of the aforesaid position, the writ petitions are disposed of with the directions that the petitioners to strictly comply with the conditions of the license and to place/park their water trolleys at the licensed places only. If the water trolleys are found to be so parked at the places for parking the water trolleys and not otherwise to the terms and conditions of the licence, no action thereagainst shall be taken. However, if the water trolleys are found parked at any place other than mentioned in the licence, even if in the vicinity of the licensed place and blocking the traffic, the Delhi Police shall be entitled to take action against the water trolleys.

No order as to costs.

RAJIV SAHAI ENDLAW, J

OCTOBER 08, 2010
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