

#3,4,6,7,8,9,10,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,3

2,33,34 &35

% 01.07.2011

Present: Mr. M.M. Kashyap, Advocate for the petitioner in WP (C) No.4543/2011.

Mr. M.R. Singh, Advocate for the petitioners in W.P.(C) Nos.4544/2011, 4545/2011, 4546/2011 & 4547/2011.

Mr. Satish Kumar Tripathi, Advocate for the petitioners in W.P.(C) Nos. 4515/2011, 4516/2011, 4524/2011 & 4525/2011.

Ms. Sana Ansari, Advocate for Ms. Zubeda Begum, Advocate for Respondent/Police in W.P.(C) Nos. 4515/2011, 4516/2011, 4517/2011, 4518/2011, 4519/2011, 4520/2011, 4521/2011, 4522/2011, 4524/2011, 4525/2011, 4526/2011, 4527/2011, 4528/2011, 4529/2011, 4530/2011, 4531/2011, 4532/2011, 4533/2011, 4534/2011, 4536/2011, 4537/2011, 4538/2011, 4539/2011, 4540/2011, 4541/2011, 4542/2011, 4543/2011, 4544/2011, 4545/2011, 4546/2011, & 4547/2011.

Mr. Ramesh Kumar Mishra and Mr. Sumit Kumar Singh, Advocates for the petitioners in W.P(C) Nos. 4518/2011, 4519/2011, 4520/2011, 4521/2011, 4522/2011 and 4526/2011, 4527/2011, 4528/2011, 4529/2011, 4530/2011, 4531/2011, 4532/2011, 4533/2011, 4534/2011, 4536/2011, 4537/2011, 4538/2011, 4539/2011, 4540/2011, 4541/2011, 4542/2011.

Mr. Vinod Kumar, Advocate for respondent/NDMC.

+WP(C) No.4534/2011

+WP(C)No.4541/2011

+WP(C)No.4540/2011

+WP(C)No.4539/2011

+WP(C)No.4519/2011

+WP(C)No.4522/2011

+WP(C)No.4526/2011

+WP(C)No.4527/2011

+WP(C)No.4535/2011

+WP(C)No.4538/2011

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+WP(C)No.4536/2011

+WP(C)No.4530/2011

+WP(C)No.4518/2011

+WP(C)No.4520/2011

+WP(C)No.4515/2011

+WP(C)No.4521/2011

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+WP(C)No.4537/2011

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+WP(C)No.4542/2011

+WP(C)No.4516/2011

+WP(C)No.4528/2011

+WP(C)No.4531/2011

+WP(C)No.4545/2011

+WP(C)No.4547/2011

+WP(C)No.4543/2011

+WP(C)No.4546/2011

+WP(C)No.4544/2011

Notice. Notice of the petitions is accepted by counsels for the respondents.

With the consent of the parties, the above petitions have been heard finally and are being disposed of altogether.

All these petitions are filed by the petitioners wherein they have claimed to be squatters/ hawkers at the sites mentioned hereunder:

Serial No.	Name of the Petitioner	Writ Petition No.	Address of Site
01.	Lala Ram	WP(C) No. 4531/2011	Sarojini Nagar Market, in front of Shop No.152
02.	Ankit Gupta	WP(C) No. 4528/2011	Sarojini Nagar Market, near shop no.21.
03.	Narender Kumar	WP(C) No. 4516/2011	At/near Shop No.137 (Silver Corner), Sarojini Nagar Market, New Delhi.
04.	Kumari Devi	WP(C) No. 4542/2011	Sarojini Nagar Market, Opp. Shop Nos. 2&4
05.	Veer Singh	WP(C) No. 4525/2011	At/near Regal Building, Adjacent to Khadi Gramudyog, Connaught Place, New Delhi
06.	Ramesh Chand	WP(C) No. 4533/2011	Sarojini Nagar Market, near Shop No.36
07.	Murari Lal Sharma	WP(C) No. 4532/2011	Sarojini Nagar Market, near Shop No.181, near Manoranjan Kendra
08.	Vyas Chauhan	WP(C) No. 4537/2011	Sarojini Nagar Market, Opp. Shop No.167
09.	Ram Kumar	WP(C) No. 4524/2011	Near Gate No.1, Palika Bazar, Connaught Place, New Delhi
10.	Suresh Singh	WP(C) No. 4529/2011	Sarojini Nagar Market, near Shop No.09
11.	Chhotu	WP(C) No. 4521/2011	Safdarjang, in front of Delhi Haat
12.	Vikas Gupta	WP(C) No. 4515/2011	At/near between Gate No.1-7, Palika Bazar, Connaught Place, New Delhi
13.	Md. Mujaffar	WP(C) No. 4520/2011	Sarojini Nagar Market, near Shop

			No.196
14.	Rameshwar Singh	WP(C) No. 4518/2011	Safdarjang Area, near Kashmere Market, INA Market.
15.	Krishan Gopal @ Nehna	WP(C) No. 4530/2011	Sarojini Nagar Market, near Shop No.136, Delhi Public Library
16.	Amar Singh	WP(C) No. 4536/2011	Sarojini Nagar Market, near Shop No.26
17.	Mahesh Chand	WP(C) No. 4538/2011	Sarojini Nagar Market, between Shop No.106 and 39.
18.	Chandra Shekhar	WP(C) No. 4535/2011	Sarojini Nagar Market, near Shop No.90
19.	Ram Paswan	WP(C) No. 4527/2011	Safdarjung Railway Station, near NDMC Primary School No.4.
20.	Ramu	WP(C) No. 4526/2011	Sarojini Nagar Market, near Delhi Public Library and Quarter No.401
21.	Devender	WP(C) No. 4522/2011	Sarojini Nagar Market, near Delhi Public Library
22.	Rama Shankar	WP(C) No. 4519/2011	Sarojini Nagar Market, D-349, in front of Shop No.101
23.	Jagdish Prasad	WP(C) No. 4539/2011	Sarojini Nagar Market, near Shop No.36
24.	Vijay Gupta	WP(C) No. 4540/2011	Sarojini Nagar Market, Opp. Shop No.1
25.	Hukum Bai	WP(C) No. 4541/2011	Sarojini Nagar Market, near Mother Dairy
26.	Ratan	WP(C) No. 4534/2011	Sarojini Nagar Market, near Mother Dairy Chowk
27.	Ritender Singh	WP(C) No. 4545/2011	Earlier Working Site: Central Secretariat, Connaught Place, New Delhi, presently squatting in front of

			Bagichi Restaurant.
28.	Jagjivan Pathak	WP(C) No. 4547/2011	Back Side of Shop No.52, Sarojini Nagar Market, New Delhi
29.	1. Lokesh 2. Smt. Man Bai	WP(C) No. 4543/2011	1. Near Shop No.1, Opposite Palika Bazar, Gate No.5, Janpath Market, Connaught Place, New Delhi 2. Near Sulabh Sauchalaya Mini Market, Sarojini Nagar, New Delhi.
30.	Kamal Raj Bansi	WP(C) No. 4546/2011	Earlier Working Site: Central Secretariat, Connaught Place, New Delhi presently squatting in between Gate No.3&4 Palika Bazar, New Delhi.
31.	Anita Gupta	WP(C) No. 4544/2011	Near Mohan Singh Palace Baba Khadak Singh Road, New Delhi

They have alleged that the respondents are in the process of disturbing/ dispossessing them from their squatter/ hawker sites. They have also averred that their names are in the eligibility list for being allotted alternate sites by respondent no.1/NDMC.

Learned counsel for the respondent no.1 states that NDMC is in the process of finalizing allotment by draw of plots of squatters/ hawkers in the area of NDMC.

Be that as it may, it is the admitted case of the petitioners that the petitioners who are eligible for allotment of alternate sites are squarely covered by the judgment of this Court in *W.P.(C) No.3364 of 2011* titled

as *Deepak Singh v NDMC & Ors* decided on 25.05.2011. The decision of the said case shall apply to all the petitioners who are eligible for allotment of alternate sites and whose names find mention in the list prepared in this regard.

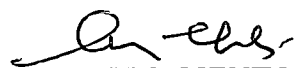
It is submitted by learned counsel for respondent NDMC that the time of squatting as recommended by Thareja Committee and approved by the Hon'ble Supreme Court being "sunrise to sunset" may be directed to be applied to the petitioners. On the other hand, learned counsel for the petitioners submit that the scheme as formulated by NDMC in the year 2006 has already been approved by the Supreme Court in the case of *Sudhir Madan and others v MCD & Others 2007(8) SCALE 339* on 17th May, 2007.

Without going into all these details, the scheme of NDMC as approved by the Supreme Court in the aforesaid case shall apply to the petitioners. Till their eligibility as squatters is decided, they shall not be disturbed or dispossessed from their respective sites.

In W.P.(C) No.4525/2011, it is submitted by learned counsel for the petitioner that in the eligibility list of squatters prepared by NDMC, the name of the petitioner is not mentioned though an application in this regard has been filed by the petitioner with NDMC. Learned counsel for the respondent submits that he will inform the respondent in this respect and necessary action will be taken. That satisfies the petitioner.

These petitions stand disposed of.

Dasti.


M.L. MEHTA, J
VACATION JUDGE

JULY 01, 2011
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*For cm no 10858/011
for modification*

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 4538/2011

MAHESH CHAND

..... Petitioner

Through: Mr.Sumit K.Singh, Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL AND ORS

..... Respondent

Through: Ms. Aabha Verma, Advocate with
Mr. Asutosh Lohia, ASC for
NDMC.

CORAM:

HON'BLE MR. JUSTICE M.L. MEHTA

ORDER

% 12.12.2011

Crl.M.A. 10853/2011 in W.P.(C) 4538/2011

This is an application under Section 151 CPC filed by the petitioner Mahesh Chand for modification/clarification of the order dated 01.07.2011 of this court passed in W.P.(C) No. 4538/2011. Copy of the order, which is sought to be clarified/modified is filed today, which is taken on record.

Vide the aforesaid order, a batch of 31 writ petitions were disposed of while I was sitting as a Vacation Judge on 01st July, 2011. One of the petitions of which Mahesh Chand was the petitioner being W.P.(C) 4538/2011 came to be disposed of along with the batch of the matters vide

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aforesaid order. He was one of the squatter/hawker in the jurisdiction of the NDMC . He appeared as serial number 17 in the list of street hawkers as noted in the said order. Against his name, the address of the site was stated to be Sarojini Nagar Market, between Shop No. 106 and 39.

The present application has been filed stating that address of the site was between Shop No. 106 and 39 in the Babu Market of Sarojini Nagar area. The petitioner has filed the photocopy of the challans receipts of the NDMC in his name for the period 2007 and 2008.

Heard. The said order dated 01st July, 2011 stands modified to the extent that the address of the petitioner/applicant Mahesh Chand as appearing at serial number 17 of the aforesaid order would be taken to be between Shop No. 106 and 39, Babu Market, Sarojini Nagar Market area.

Application stands disposed of.

Order dasti.

DECEMBER 12, 2011
akb


M.L. MEHTA, J