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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 14025/2024, CM APPL. 58742/2024 (STAY) & CM
APPL. 58743/2024 (EX. FROM STATUTORY NOTICE TO
RES.)

JAI SRI RAM FRUIT MARKET ASSOCIATION KALKAJI
REGD Petitioner

Through: Appearance not given.

versus

MUNICIPAL CORPORATION OF DELHI AND ANR.

.....Respondents

Through: Mr. Mohd. Irshad, ASC,
GNCTD with Ms. Nasreen and
Mr. Kunal Raj, Adv. for R-2.
Mr. Umang Tyagi (ASC) with
Ms. Aditi Kapoor and Ms.
Aadya, Adv. for R-1/MCD.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

11.11.2024

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1. This writ petition has been preferred seeking the following
reliefs:-

“a) allow the present writ petition; and/or

b) issue a writ of mandamus and/or any other writ thereby
restraining the respondents from taking any action and removing
the vendors of the petitioner society illegally and unauthorisedly
from the place of their teh-bazari and/or directing the respondents
to allow the vendors to continue their teh-bazari/rehari patri; and/or
any other further order(s) which this Hon'ble Court may deem fit
and proper under the facts and circumstances of the case, in the
interest of justice.”

2. Pursuant to the earlier direction issued, a tabular statement



providing details of each of the members of writ petitioner has been placed on our record.

3. Learned counsel for the petitioners fairly concedes that all of the members hold certificates which do not entitle them to undertake static activities. Evidently, most of the Letters of Recommendation and certificates which have been placed for our consideration describes their category of vending as 'Mobile'.

4. In view of the aforesaid, we find ourselves unable to grant the reliefs as prayed for. The writ petition fails and shall stand dismissed.

5. The present order, however, shall be without prejudice to the rights of the writ petitioner to assail any policy directives which impede their right to undertake vending activity. Any such challenge if made shall be examined independently. All rights and contentions of respective parties in that case and pertaining to merits are kept open.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

NOVEMBER 11, 2024/DR