

\$~29

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

+ W.P.(C) 4188/2015 & CM No. 7583/2015 (stay)

MANIK CHAND AND ORS Petitioners
Through: Ms Rani Chhabra, Adv.

versus

GNCT OF DELHI AND ORS Respondents
Through: Mr Arun K. Sharma, Adv. for R-1, 4 & 5.
Mr Vikas Chopra, Adv. for R- 2 & 3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **28.04.2015**

1. Issue notice.
2. Mr Sharma accepts notice on behalf of respondent no. 1, 4 & 5, while Mr Vikas Chopra accepts notice on behalf of respondent no. 2 & 3. In view of the directions that I intend to pass, learned counsels for the respondents say that they do not wish to file a reply.
3. The petitioners claim that they are street vendors who squat and vend their wares near Pankha Road Nala, at Lal Batti Chowk in Janakpuri. The approximate location is shown in the site plan filed at Annexure P-1, appended at page 71 of the paper book.
 - 3.1 The petitioners are aggrieved by the order dated 16.03.2015, passed by the Public Grievances Commission (in short the PGC). It is the stand of the petitioners that the impugned order was passed (which directs the removal of the petitioners from the said site), without hearing.
4. It is also the case of the petitioners that an application has been filed

with the PGC for redressal, which remains unaddressed. The petitioners claim that the impugned order is violative of the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and the directions contained in the judgement of the Supreme Court, dated 09.09.2014, passed in Civil Appeals 4156-4157/2002, titled: ***Maharashtra Ekta Hawkers Union & Anr. vs Municipal Corporation, Greater Mumbai & Ors.***

5. A perusal of the order of the PGC dated 16.03.2015, would show, that it has fixed a hearing on 07.05.2015, to enable the parties concerned to report compliance qua the directions issued by it. A specific direction has been issued for submitting an action taken report.

6. While, counsels for the respondents submit that there is much to be said qua the case set up by the petitioners, they concur that, they would have to be heard in the matter.

7. On the other hand, Ms Chhabra, learned counsel for the petitioners, says that she has requisite material available with her to demonstrate that the petitioners have been squatting at the subject sites for at least last two decades. She says that since the Town Vending Committee has not been constituted, this material though available, was not filed, as the petitioners were unaware as to the body which would be in a position to consider the same.

7.1 In any event, Ms Chhabra says that the said material will be placed before the PGC, if an opportunity, is given for that purpose.

8. I may only note that, at pages 84 and 85, the petitioners have appended a list of registered vendors/ *reharil patri*, which details out the names of persons holding receipts for running a “***weekly bazaar***” at the

subject site.

8.1 Mr Sharma, learned counsel for respondent no. 1, 4 & 5, says that petitioners are, contrary to the list appended, vending their wares on daily basis.

9. These are aspects I am sure the PGC will examine, as also any material produced before it, as indicated by Ms Chhabra.

10. Accordingly, the writ petition is disposed of with a direction to the petitioners to appear before the PGC. In view of the fact that the petitioners are persons of low literacy level, the PGC will consider hearing the petitioners via their counsel.

10.1 Ms Chhabra will also file the relevant material to buttress her contention that the petitioners have been squatting at the subject site as contended by her.

10.2 The PGC, will pass an appropriate and reasoned order after hearing the petitioners.

11. Pending the hearing, no coercive measures will be taken against the petitioners. The petitioners, will appear before the PGC on the next date of hearing, i.e., 07.05.2015.

12. The writ petition and the application are, accordingly, disposed of.

13. Dasti under the signatures of the Court Master .

RAJIV SHAKDHER, J

APRIL 28, 2015

kk