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

Date of Decision: 09.07.2015

+ W. P. (C) No.6449/2015

PRIYA SHARMA

.... Petitioner

Through: Mr. Satya Pal, Adv.

Versus

EAST DELHI MUNICIPAL CORPORATION
& ORS

..... Respondents

Through: Ms. Vertika Sharma, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

J U D G M E N T

Jayant Nath, J.(ORAL)

1. This writ petition is filed under Article 226 of Constitution of India as a Public Interest Litigation. The petitioner prays for a writ in the nature of mandamus to issue directions to the respondents to remove illegal and unauthorized Commission Agents and traders from the Buffalo Live Stock Market, Gazipur and to allow only valid licence holders, commission agents and traders to run business there. Other connected reliefs also sought.

2. It is averred in the petition that the petitioner is residing at Laxmi Nagar, Delhi. She states that she is contesting for the welfare, rights and interest of the public at large and basically for the welfare of the Muslim Community who are working at Gazipur Slaughter House Buffalo Live Stock Market.

3. It is stated that the Buffalo Live Stock Market, Gazipur, starts Buffalo business at night. Number of illegal traders run their business in the market and cause obstruction to the smooth business. They capture forcible possession of the sites of valid license holders. It is also averred that respondent No.1 and 2, namely, East Delhi Municipal corporation are not providing the number of valid licence holders intentionally and promoting illegal and unauthorized Commission Agents and traders through the licensee respondent No.5. It is also averred that the illegal and unauthorised business of Commission Agents and traders is on account of collusion between the various officials of the Municipal Corporation.

4. The petitioner states that she has made a complaint dated 05.05.2015 to respondent Nos.1 to 3. She has also sought certain information under RTI Act. She is however, not satisfied with the reply received.

5. We have heard learned counsel for the petitioner and have gone through the petition. There are repeated allegations made in the petition about illegal business by unauthorized Commission Agents and traders being carried out in Buffalo Live Stock Market at the instance of the respondents. However nothing is placed on record to substantiate these repeated allegations made in the writ petition. Allegations are also made against respondent No.5, who is said to be a licensee of the Municipal Corporation. It is alleged that respondent No.5 is issuing Gate Pass Receipt in the owners name and in the name of Commission Agent who may not have valid licence. Again this allegation is unsubstantiated.

6. On the basis of such vague and unsubstantiated averments, no petition by ways of Public Interest Litigation can be maintained. In fact, the matter does not involve any element of public interest but on the other hand it

appears to us that the petition is motivated and targeted against the respondent No.5.

7. Hence, we are not inclined to entertain the petition by way of Public Interest Litigation. Accordingly, the same is dismissed.

JAYANT NATH, J

CHIEF JUSTICE

JULY 09, 2015/an