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

+ W.P.(C) 538/2016

MANISH KUMAR

..... Petitioner

Through Mr. Bhanita Patowary, Advocate

versus

COMMISSIONER OF POLICE & ORS

..... Respondents

Through Mr. Satyakam, Advocate for GNCT
with Mr. Naveen Jakhar, Advocate
for R-1, R-2 and R-3 with SI Deepak
Kumar PS Kotwali, Delhi
Ms. Mansi Gupta, Advocate for
NDMC

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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02.11.2016

Petitioner is stated to be squatting from an area at corner side of the Annarpurna Bhandar, Fountain Chawk, H.C.Sen Road, Chandni Chawk, Delhi. It is stated that he is continuously vending from the said site since the year 2005. In support of her submission she has placed on record an RTI information showing that challans have been issued to the petitioner since the year 2009. Additional submission as disclosed in the petition is that she has since been removed from the site on 10.09.2015. This petition was filed in January, 2016. Prayer made in the petition is that original site from which he had been vending be restored back to the petitioner.

Counter affidavit / response has been filed by respondents no. 1 to 3. The stand of respondents no. 1 to 3 is that the area in question is in non squatting and non vending zone. The response of respondent no.4 / NDMC is also on record. In this affidavit it is stated that on a

site inspection being carried out in terms of the directions of this Court it was noted that the petitioner was not squatting on the site. Name of the petitioner does not figure in the record of the approved tehbazari holders. The list of the tehbazari holders of Chandini Chowk has been placed on record. Further contention is that the petitioner in the garb of the present petition trying to encroach upon the corner side of the Annarpurna Bhandar, Fountain Chawk, H.C.Sen Road, Chandni Chawk, Delhi which is not permissible.

Noting the submissions and the counter submissions of the parties as also noting that after promulgation of the Street Vending Act, contention of the petitioner is that he is adequately protected under Section 3(3) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. Be that as it may. Further stand of the petitioner is that she has admittedly been vending from the said site and as on date she is not vending from any other place. Her prayer is that she should be restored to the afore noted site cannot be considered in view of the promulgation of the said Act. Her grievance if any be addressed before TVC of respondent no.1.

This writ petition is disposed of in the above terms.

At this stage, counsel for the petitioner submits that she has already made representation before TVC. Her representation be considered in accordance with law.

No further orders are called for in this petition.

Petition disposed of.

INDERMEET KAUR, J

NOVEMBER 02, 2016/gb