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

+ W.P.(C) 6677/2016

MOHAN SINGH Petitioner

Through Mr. Ajay K. Singh, Advocate

versus

SOUTH DELHI MUNICIPAL COUNCIL AND ANR Respondents

Through Ms. Reema Khurana, Advocate for
SDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% **05.12.2016**

CM.APPL 42497/2016(delay)

For the reasons stated in the application, delay of 24 days in filing of the application for restoration of the petition is condoned

The application stands disposed of.

CM.APPL 42496/2016(restoration)

By the present application, the petitioner seeks restoration of the writ petition which was dismissed for non-appearance on 01.08.2016.

Notice. Ms. Reema Khurana, counsel for the SDMC accepts notice.

The prayer made in this application is not opposed. Accordingly, the order dated 01.08.2016 is recalled. Writ petition is restored to its original number and file.

The application stands disposed of.

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The petitioner claims that a *tehbazari* site was allotted to his father Late Sh. Kishori Lal way back in the year 1978. Sh. Kishori Lal is stated to have been vending at Shop No.16, Sitla Mata Market, Madan Gir, New Delhi. Petition also discloses that the father of the petitioner died on 20.03.1993. Petitioner claims that upon death of his father, his mother continued to vend at

the site. A copy of the challan dated 17.08.1996 has been placed on record. Learned counsel submits that the mother of the petitioner also died on 02.01.2008. Thereafter, sister of the petitioner Susheela Devi joined the younger brother of the petitioner and continued to carry out their business from afore-stated shop. Unfortunately, on 05.08.2012, the sister of the petitioner also died.

Learned counsel for the petitioner submits that the petitioner made an application and also issued a legal notice to the respondent praying that the site in question may be allotted in his favour upon death of his father-mother/sister.

Ms. Reema Khurana, learned counsel for the SDMC, who enters appearance on an advance copy, submits that the averments made in the writ petition are factually incorrect. She submits that no *tehbazari* licence was granted in favour of the father of the petitioner. She submits that without prejudice to the rights and contentions of the petitioner and subject to legal pleas, in case an application for mutation is moved by the petitioner, the same shall be considered in accordance with law.

Let the application, if not filed, be filed within four weeks from today. In case such an application is filed, the same shall be disposed of within eight weeks.

The writ petition stands disposed of, as prayed by the counsel for the petitioner.

G.S.SISTANI, J

SUNITA GUPTA, J

DECEMBER 05, 2016/pst /
W.P.(C) 6677/2016