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

+ W.P.(C) 5113/2016 & CM No.21254/2016

M/S FRIENDS DIGITAL COLOR PRINT SHOP AND ANR

..... Petitioners

Through Mr.Ashish Mohan, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION

..... Respondent

Through Ms.Reema Khorana, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE G.S.SISTANI**

**HON'BLE MR. JUSTICE VINOD GOEL**

**ORDER**

% **14.12.2016**

With the consent of the parties the writ petition is set down for hearing for disposal. As per the writ petition, the petitioner No.1 is a partnership firm of which the petitioner No.2 is the partner. The petitioners are carrying on their business of digital printing, plotting scanning etc. from G-1, Manjusha Building, 57, Nehru Place, New Delhi (incorrectly typed as G-8). The complaint of the petitioners is that despite the fact that Nehru Place has been declared as “No Hawking Zone”, the respondents are threatening to place street vendors outside their shop. In this background, the petitioners have made the following prayer in the writ petition:

“2. Issue a Writ, order or direction in the nature of prohibition directing the Respondent to desist from relocating/placing any of the existing/new street vendors/hawkers in front of the petitioner’s shop.”

A short counter affidavit has been filed by the respondent wherein it has been stated that on the date of the inspection i.e. held on 4<sup>th</sup> August, 2016 no hawker/street vendor was found to have been placed outside the shop of the petitioners. It may be noted that the counter affidavit mentions G-8, Manjusha Building, 57, Nehru Place, New Delhi. However, learned counsel for the respondent submits that G-8 as also G-1, the place where the petitioners are carrying on business was also inspected and the address mentioned in the counter affidavit may be read as G-1 and not G-8. Learned counsel further submits that the allegations made are baseless and unfounded. Since Nehru Place has been declared as “No Hawking Zone”, the question of allotting vending sites to hawkers is not possible. She submits that only those street vendors who have been granted protection by some court are allowed to vend and no other persons are allowed to vend neither any vending site has been allotted. Mr.Mohan, learned counsel for the petitioners, also reiterates that as of today there is no person hawking or vending outside the shop in question. Accordingly, in view of the stand taken by the respondent, no further orders are required to be passed. The respondent shall be bound by the stand taken by it in the counter affidavit and during the course of hearing today.

The writ petition is disposed of in above terms along with application.

**G.S.SISTANI, J.**

**VINOD GOEL, J.**

**DECEMBER 14, 2016/jitender**