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

+ **W.P.(CRL) 1769/2016 & CRL.M.A.9205/2016 (Stay)**

MURGA MACHHLI MARKET

ASSOCIATION (REGD) & ORS

..... Petitioners

Through: Mr. R.K. Saini, Advocate with Ms. Minal
Sehgal, Advocate

versus

COMMISSIONER OF POLICE DELHI & ORS Respondents

Through: Ms. Richa Kapoor, ASC (Criminal) with
SI Jaivir Singh, PS- Mahendra Park for
R-1 & R-2
Ms. Monika Arora, Standing Counsel for
R-2

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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31.05.2016

The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Code') praying as follows:-

- “a) A writ of certiorari calling for the records of the case for perusal;
- b) A writ of certiorari quashing the action on part of the respondent Nos.1 & 2 in trying to dispossess the petitioners from their present squatting sites at Sarai Pila Thala, Delhi-53, till the grant of Certificate of vending pursuant to the survey of vendors across NCT of Delhi in terms of the provisions contained in The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 in view of Section 1 (3) of the said Act, being illegal and in violation of

- principles of equity, justice and good conscience;
- c) A writ of prohibition restraining the respondent No.1 & 2 from interfering/disturbing in any manner the vending/squatting activities carried on by the Members of the petitioner No.1 Association from the present squatting sites at Sarai Pipal Thana, Delhi-110033, in view of section 1(3) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 which mandates that no street vendor shall be evicted or as the case may be relocated till the survey specified under Sub-Section (1) has been completed and the certificate of vending is issued to all street vendors and also restrain the respondents from taking any coercive action against the petitioners or causing further harassment to the petitioners;
 - d) Any other writ, order or direction which may be deemed fit and proper in the facts and circumstances of the case and in the interest of justice.”

Learned counsel appearing on behalf of the petitioners, after making some submissions, states that in view of the circumstance that the present petition essentially prays for a writ of prohibition mandatorily directing respondent Nos.1 and 2 to refrain from violating the provisions contained in The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, it would be appropriate if the same is treated as a Civil Writ Petition and heard by an appropriate Bench according to roster.

The above submission made on behalf of counsel for the petitioners is not opposed by Ms. Richa Kapoor, learned Additional Standing Counsel (Criminal) appearing on behalf of respondent Nos.1 and 2 and by Ms. Monika Arora, learned counsel appearing on behalf of respondent No.3/NDMC.

In view of the foregoing, the Registry is directed to re-number the present petition as a Civil Writ Petition and place the same before an appropriate Bench,

according to roster on 02.06.2016, subject to and after obtaining necessary orders from Hon'ble the Chief Justice.

MAY 31, 2016

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SIDDHARTH MRIDUL, J