

\$~33

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 9224/2016 & C.M. Nos.37303-04/2016

KHARAG SINGH

..... Petitioner

Through Mr. Bahar U. Barqui, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR Respondents

Through Mr. Varun Nischal, Adv for R-1 & R-3.

Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra, Adv for
NDMC.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

%

05.10.2016

The petitioner is stated to be a squatter squatting from gates No. 4 & 5, Dr. Ram Manohar Lohia Hospital, Baba Kharak Singh Marg, New Delhi. He is stated to be carrying out his vending activities since the year 1980. He has filed certain documents to substantiate this submission. His additional submission is that in an earlier round of litigation, he had been granted protection by a Bench of this Court in W.P. (C) No.8009/2014 wherein it had been noted as under:-

“In the opinion of this Court, Section 3 (3) of the Act, 2014 clearly states that no street vendor shall be evicted or relocated till the survey to be carried out by the Committee has been completed and certificate of vendor has been issued to all street vendors. ”

The petitioner is aggrieved by the fact that inspite of this order enuring in his favour, the Corporation was threatening to evict him. He had preferred a contempt petition. Contempt Case No.915/2014 was disposed of by a Bench of this Court on 26.08.2016 noting that the Division Bench had pronounced its judgment on the interpretation

of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 in LPA No.136/2016 on 18.05.2016. The contempt petition had been disposed of with liberty granted to the petitioner to file an appropriate proceeding in accordance with law. This petition has arisen pursuant to the orders passed by the Bench dealing with the contempt case. Learned counsel for the petitioner submits that the protection under Section 3 (3) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 has already been afforded to him. The judgment of Bhola Ram Patel Vs. New Delhi Municipal Council and Anr. delivered on 18.05.2016 has elucidated the law on the Street Vendors (Protection of Livelihood and Regulation of Street Vending Act) on the rights of the street vendors and the balance to be observed qua the street vendors and the rights of the Corporation to evict such street vendors.

Learned counsel for the respondent informs this Court that Town Vending Committee (TVC) qua respondent No. 1 has since been constituted and it is functional.

Noting the above factual matrix, the petitioner is advised to approach the TVC to get his grievance addressed, if any left. The TVC will consider the application of the petitioner and dispose it of in accordance with law.

Petition disposed of.

Dasti.

INDERMEET KAUR, J

OCTOBER 05, 2016

A