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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9636/2016 & C.M. Nos.38550-51/2016

JWALA HEDI REDI PATRI ASSO

..... Petitioner

Through Mr. Chetan Shandilya, Adv.

versus

THE STATE (GOVT OF NCT OF DELHI) AND ORS

..... Respondents

Through Mr. Sanjay Ghose, ASC with Mr. Rhishabh Jetley and Ms. Pratishta, Advs for R-1 & R-5.

Mr. Mukesh Gupta, standing counsel for the Corporation.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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25.10.2016

Learned counsel for the respondents has put in appearance. He has brought to the notice of this Court that the Annexures filed along with the petition do not disclose the correct site of the petitioner and in fact the affidavit appended (Annexure P-2) shows different areas which do not show the Jwala Hedi Gaon. Learned counsel for the respondent has also drawn attention of this Court to a suit which had been filed by the petitioner body i.e. Jwala Hedi Redi Patri Union and others. This suit had framed a single issue. This was a suit for injunction. The Trial Court was of the view that the suit is not maintainable. The Court had held that the plaintiffs have not been able to disclose that they are continuing with the possession of their sites and they had been granted license; the stand of the respondent was that the petitioners were unauthorized occupants of the aforementioned sites and this suit stood dismissed on 26.05.2016;

admittedly this order has since become final. Learned counsel for the respondent additionally points out that on 06.10.2016 an enforcement exercise has been carried out by the respondent Department and the petitioners have been removed from site as they were stated to be vending from footpath which was an authorized area.

These submissions have been refuted by the petitioner. His submission is that the petitioners have been illegally removed on 06.10.2016. This does not form a part of the averments in the writ petition. Learned counsel for the petitioner submits that this petition has been drafted in September, 2016 and although filed on 17.10.2016, this could not form part of the pleadings but admittedly the petitioners are not squatting at the aforementioned sites. The petitioner submits that he is protected under Section 3 (3) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and he could not have been illegally removed.

Nothing these submissions and counter submission, this Court is of the view that this petition can be disposed of directing the petitioner to get their grievances addressed before the Town Vending Committee (TVC) of North Delhi Municipal Corporation (NDMC). The said grievances shall be answered in accordance with law.

No further orders are called for on this petition.

INDERMEET KAUR, J

OCTOBER 25, 2016

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