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

+ W.P.(C) 5737/2015 and CM Appl. No. 22223/2015

OM PARKASH

..... Petitioner

Through :Mr. Aditya Sharma and Mr. Vinay
Sharma, Advs.

versus

SOUTH DELHI MUNICIPAL
CORPORATION & ORS

..... Respondents

Through :Mr. Prasanta Varma, ASC with Mrs.
Pratibha Varma, Adv. for respondent
no. 1
Mr. Shatrajit Banerji, Adv. for
respondent nos. 2 to 4
SI Kamlesh, P.S. Ambedkar Nagar

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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08.03.2016

Petitioner claims to be selling chicken, mutton, fish, etc. from shop no. J-19, DDA Market, Dakshinpuri, New Delhi under a valid MCD licence. He has alleged in the writ petition that several persons are illegally selling chicken/mutton/fish etc. on the pavement in the area without obtaining a MCD licence. It is further alleged that respondent nos. 1 and 2 have failed to take any action against such persons. Respondent no. 3 has also not taken any action to stop selling of chicken/mutton/fish etc. by such unauthorised

persons from the pavement. Petitioner has prayed that respondent nos. 1 to 3 be directed to remove such vendors from the pavement, near the shop of petitioner at Dakshinpuri, (Delhi) since the said business is being done without a licence.

Counter affidavit has been filed by the respondents. It is alleged that petitioner is having licence for carrying on the meat business from the shop no. J-19. However, he was found doing the said business from the shop no. J-20 as well. Accordingly, action was taken against the shop no. J-20. It is further stated that action is being taken against several illegal shops in the area, in accordance with law from time to time. Details have been mentioned in para 'H' of the counter affidavit, which elaborately details the actions taken by the respondent no. 1 between May, 2013 to January, 2015. Respondent no. 3 has filed an affidavit stating therein that police assistance has been provided to veterinary department of the respondent no. 1 whenever such action was taken against the persons, who were found selling the meat illegally. As per the affidavit composition fees has also been recovered from such persons. It is further alleged that kallandras have also been registered against some of such persons. Counter affidavit indicates that action is being taken against the persons, who illegally sell the

meat/chicken/fish etc. on the pavement, without a license.

Accordingly, writ petition is disposed of with the directions to respondent no. 1 to continue its drive against such persons at regular intervals, in accordance with law. Respondent no. 3 shall provide necessary police assistance to the respondent no. 1 to facilitate the respondent No.1 to take such actions, in accordance with law. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

MARCH 08, 2016

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