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

+ W.P.(C) 9249/2014 & CM No.20987/2014

MAHINDER SINGH @ MAHINDER PAL & ANR

..... Petitioners

Through Ms.Radhika Chandrashekhar, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through Mr.Mukesh Gupta, Adv. for SDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **20.12.2016**

Petitioners claim that they were holding weekly Bazaar on every Tuesday at Shaheen Bagh near Police Chowki, since 1998. Ms.Radhika Chandrashekhar, counsel for the petitioner, has drawn the attention of the Court to a communication dated 5th March, 2013 addressed by the Assistant Commissioner, Central Zone, to the Assistant Commissioner of Police, Sukhdev Vihar, New Delhi, in support of her submission that the petitioners have been holding the weekly market at the site in question. She submits that the petitioners were unceremoniously removed by the Municipal Corporation of Delhi. Petitioners pray that the petitioners be permitted to carry out their weekly market without any obstruction by the respondents.

Mr.Gupta, learned counsel appearing on behalf of the SDMC, submits that the SDMC had received a notice under Section 70 of Canal Act, 1873 from the U.P. Irrigation Department calling upon it to answer as to why

permission was given for weekly bazaar causing damage to Government property. Mr.Gupta also relies on the reply issued by Assistant Commissioner, Central Zone, to the Jiledar-I, Head Works Division Agra Canal, Okhla. Mr.Gupta contends that since the land does not belong to the MCD, neither MCD can grant any permission nor can it allow the petitioners to vend on the land. Mr.Gupta further submits that the appropriate forum for the petitioners would be to approach the Town Vending Committee for redressal of their grievance. At this stage, learned counsel for the petitioners submits that the petitioners would make a representation to the concerned Town Vending Committee together with all relevant documents. We hope that once the representation is made, the same would be considered expeditiously.

The writ petition and pending applications are disposed of.

G.S.SISTANI, J.

VINOD GOEL, J.

DECEMBER 20, 2016/jitender