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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 11705/2016
RAM SHARAN DASS

..... Petitioner

Through Mr. Rajeev Lochan, Adv.

versus

MUNICIPAL CORPORATION OF DELHI & ANR

..... Respondents

Through Ms.Mansi Gupta, Adv for R-1.
Ms. Mrinalini Sen and Ms. Kritika
Gupta, Advs for R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **19.12.2016**

The petitioner was stated to be the owner of two shops which had been allotted to his predecessor-in-interest namely Mohd. Umar in 1928; the petitioner had derived his interest from Faizur Umar who was stated to be the son of Mohd. Umar. The petitioner had filed earlier round of litigation which was W.P. (C) No.7972/2012 which had been disposed of on 20.12.2012. The prayer in that petition was the same as the first prayer made in this petition. The prayer was that the petitioner should be granted alternate shop in view of his shop which had allotted to his predecessor-in-interest and which the petitioner was enjoying up to 2010 when this shop was taken away by the Corporation. This submission had been considered in the aforementioned order dated 20.12.2016. The Court was of the view that the petitioner is not in a better position than Faizur Umar and the suit filed by Faizur Umar had been rejected on the ground that he is the

ex-lessee of the Government and after lapse of the lease in the year 1955, the status of Faizur Umar was that of an unauthorized occupant. Thus the first prayer made in this petition has already been answered in the order dated 20.12.2012. The alternate prayer is for grant of compensation which in the absence of better particular, this Court may not be in a position to consider.

On advance notice, learned counsel for respondent No. 1 has put in her appearance.

The order dated 20.12.2012 had been passed giving the petitioner liberty to move an appropriate application before Municipal Corporation to seek tehbazari rights, if any. The petitioner has made representation before the Corporation on 15.04.2013. Admittedly, the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 has now been promulgated and this application along with requisite documents has to be made before the Town Vending Committee (TVC). The petitioner is accordingly granted liberty to approach the TVC along with requisite documents to establish his right, if any, qua his status as a tehbazari holder. This application shall be made by him within an outer limit of three weeks and the same shall thereafter be answered by the concerned TVC (North Delhi Municipal Corporation) in accordance with law.

Petition disposed of.

INDERMEET KAUR, J

DECEMBER 19, 2016

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