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

+ W.P.(C) 11425/2016 & CM.APPL 44786/2016

RAJ RANI

..... Petitioner

Through Mr. Satish Kumar Tripathi, Advocate

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through Mr. Sri Harsha Peechara, ASC, Mr. Mananjay Mishra, Ms. Vidhi Jain and Ms. Shailjanand Mishra, Advocates for NDMC

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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16.12.2016

Petitioner claims to be vending at Shastri Market, Krishi Bhawan, Rajender Prasad Road. She also claims that her name finds mentioned in the eligibility list prepared by NDMC of 628 persons. The complaint of the petitioner is that the officers of respondent continue to harass her. Copies of challans have been placed on record. Learned counsel for the respondent NDMC has verified that the name of the petitioner finds mentioned at Serial No.413 in the list of 628 persons. Learned counsel for the respondent submits that without admitting any of the averments made in the writ petition, it is stated that the respondent has been regulating all the street vendors irrespective of the their legal status keeping in view the aims and objectives of the Street Vendor(Protection of Livelihood and Regulation of Street Vending) Act, 2014. Mr. Peechara submits that in this case, it was found that the petitioner was occupying a large area and was not adhering to the norms of the NDMC with

regard to the street vendors. Photographs showing a tent over the area have been produced in Court, which are seen and returned with liberty to file the same in the Registry with Index.

On the last date of hearing, we had directed the petitioner to place photographs on record, which have been filed. Counsel for the respondent submits that the present photographs filed by the petitioners show that proper space is being occupied, but it is submitted that after the matter is disposed of, the petitioner being a habitual offender tends to occupy large area and also flouts the norms of the NDMC.

We direct the petitioner to file an affidavit clearly stating that only 6 x 4 ft area would be occupied by the petitioner at the present site. The other norms of NDMC would not be violated. The affidavit be filed within two weeks after serving a copy to the counsel for the respondent, who may examine the same. In case no affidavit is filed, the protection granted to the petitioner would be lost. Leave as prayed is granted to the NDMC to undertake suitable action in accordance with the law should there be any violation. Needless to say that the petitioner will not be removed in case there is no violation and till further orders are passed by the Town Vending Committee.

With these directions the writ petition and the application stand disposed of.

Dasti to the parties.

G.S.SISTANI, J

VINOD GOEL, J

DECEMBER 16, 2016

pst /

W.P.(C) 11425/2016