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

+ **W.P.(C) 11521/2016**

SUBHASH CHAND

..... Petitioner

Through Mr.Dharmender Sharma, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS

..... Respondents

Through Mr.Sri Harsha Peechara, ASC with
Mr.Mananjay Kr. Mishra, Ms.Vidhi
Jain and Mr.Shailzananda Mishra,
Adv. for NDMC along with
Mr.Narayan Kumar, ALO.
Mr.Ravi Chaturvedi, Adv. with
Ms.Renu Chauhan, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **06.12.2016**

CM No. 45379-45380/2016

Exemption allowed subject to just exceptions.

The applications are disposed of.

W.P.(C) 11521/2016

Petitioner claims to be vending at opposite Shop No.136, Sarojini Nagar Market. Petitioner also claims that his name appears at Serial No.93 in the list of 628 eligible street vendors which was submitted by the NDMC before the Supreme Court. This fact has been ascertained by the counsel for the NDMC as well. The grievance of the petitioner is that despite the name of the petitioner being in the said list, the officials of the NDMC are

harassing him. Learned counsel for the NDMC submits that the allegations are unfounded. Mr.Peechara submits that on inspection it was found that the petitioner was vending at a site other than opposite Shop No.136, Sarojini Nagar Market. Counsel for the petitioner reiterates that the petitioner is vending only opposite Shop No.136, Sarojini Nagar Market, and is occupying 6'x4' space and he will not vend at any other place.

The submission made by the counsel for the petitioner would be treated as an undertaking given to the Court. Counsel for the petitioner submits that he has explained the petitioner the consequences of breach of undertaking. Mr.Sri Harsha Peechara, learned counsel for the NDMC, submits that should the petitioner carry out hawking activities only at the site so mentioned and he will not occupy excess area and follow all other norms and guidelines, he will not be disturbed. It is also made clear and agreed that this order shall remain in force till the final survey is conducted by the Town Vending Committee as per the Act.

With these directions as prayed, the petition is disposed of.

CM No.45381/2016 (stay)

No further orders are required to be passed in view of the order passed in the writ petition. The application is disposed of accordingly.

Dasti under the signatures of the Court Master to the parties.

G.S.SISTANI, J.

VINOD GOEL, J.

DECEMBER 06, 2016/jitender