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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11698/2015 and CM APPL. 31132/2015**
NIRMALA AND ORS

..... Petitioners

Through Mr. R.K.Saini, Mr. Varun Nagrath
and Ms. Minal Sehgal, Advocates

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS

..... Respondents

Through Mr. Sanjeev Sabharwal, Standing
Counsel for NDMC
Mr. Peeyoosh Kalra, ASC with Ms.
Sona Babbar, Advocate for R-3
Mr. Jeewan Singh, Sonal
Superintendent, City Zone and Mr.
Suresh Kumar Sharma, Rent
Collector, City Zone

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **03.08.2016**

There are five petitioners before this Court. On 23.12.2015 an order has been passed by this Court noting that even presuming that the licences have been issued by the statutory authority in favour of the petitioners but these permissions appear to be contrary to the Court orders and as such petitioners could not derive any benefit out of them. Subsequent part of the order had noted the prayer of the counsel for the petitioners which was to the effect that he was

confining his relief to relocation/rehabilitation of the petitioners. Three sites were suggested by the petitioners. At that stage itself, counsel for the Corporation under instructions from the Assistant Commissioner, North Delhi Municipal Corporation had stated that those sites were not available and there was no space for the squatters. These sites were at Tagore Road or JE Store opposite New Delhi Railway Station or outside Kamla Market.

The parties were directed to file their affidavits in response.

Counsel for the Department had filed his affidavit wherein it is stated that as on that date squatting sites are available only at Tikona Park, Desh Bandu Road, Ajmeri Gate, Calcutta Gate and Subzi Market Bagh Diwar and infact the first three petitioners were operating from Desh Bandhu park. Originally petitioner no. 4 and petitioner no. 5 were operating from Subzi Market Bagh Diwar and Calcutta Gate respectively. This statement had also been noted in the earlier order passed by this Court on 23.12.2015 wherein the Assistant Commissioner, Mr. Mahavir Singh on behalf of North Delhi Municipal Corporation had stated that vending / squatting areas are available only on these sites. Petitioners had also been granted permission to visit these sites and submit their proposal if they were willing to shift there.

Counsel for the petitioners submits that the petitioners are not willing to go back to the aforementioned sites. His submission is that he has placed on record photographs evidencing the fact that the sites at Tagore Road are still available. This submission of the counsel for the petitioners has been countered by counsel for the respondent who

submits that the Inspector of the field area namely Mr. Suresh Kumar (present in Court) had made a site inspection of Tagore Road day before and his submission is that there are no sites available at Tagore Road and the petitioners can only be relocated / rehabilitated in terms of the order dated 23.12.2015 at Subzi Market, Bagh Diwar Area and Calcutta Gate.

In this view of the matter the choice of the petitioners cannot be considered. They are at liberty to go back at the sites aforementioned failing which this Court will not be able to grant relief for the relocation / rehabilitation of the petitioners.

At this stage, counsel for the petitioners submits that since he was an original squatter and was removed from the site during the pendency of this petition, he is protected under provisions of under section 3(3) of the Street Vendors (Protection of Livelihood and Regulation of Street vending) Act, 2014.

This petition is disposed of with liberty granted to the petitioners to approach Town Vending Committee (TVC) qua respondent no.1 and to get their grievances addressed, if any before the said committee.

No further orders are called for in this petition.

Petition disposed of.

INDERMEET KAUR, J

AUGUST 03, 2016

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