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

+ **CONT.CAS(C) 191/2017**

MOHD SHAHZAD

..... Petitioner

Through: Mr. Anand Shailani, Advocate.

versus

NARESH KUMAR & ANR

..... Respondent

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

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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21.04.2017

Petitioner alleges wilful disobedience of the order dated 10.07.2013. Mr. Shailani, learned counsel for petitioner, submits that the grand-mother of the petitioner late Smt. Akhtari Begum was squatting in Sarojini Nagar area prior to 1998. In the year 1998, she made an application for allotment of a Tehbazari site in the NDMC area and was declared eligible for the allotment of the said site by the Thareja Committee setup by the Supreme Court of India. Prior to the allotment Smt. Akhtari Begum died on 13.10.1998. Copy of the death certificate has been placed on record.

The grievance of the petitioner that despite his making repeated applications his name has not been substituted in place of his grand-mother, who was the legitimate squatter and his rights are being affected despite he being a regular squatter and squatting since 1998.

Mr. Harsha Peechara, learned counsel for NDMC, submits that there is no wilful violation of the order dated 10.07.2013 as the scheme of The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 stands stayed and thus the Town Vending Committee cannot consider the request of the petitioner at present. Additionally, Mr. Peechara submits that in case the petitioner is a regular squatter and is able to produce documentary evidence before the Town Vending Committee as and when it starts functioning and merely because the petitioner is not found at the squatting site would not be a ground to reject his case. Mr. Peechara further submits that it would be open for the petitioner to seek a licence either as a legal heir of his grand-mother or in his own right subject to placing documents on record.

In view of the fact that scheme stands stayed by the predecessor of this court, this case would not fall within the domain of wilful disobedience and no grounds of contempt are made out. However, the statement of learned counsel for the NDMC is taken on record. The petition is disposed of in above terms.

CM No. 8908/2017

In view of the above order, the application stands disposed of.

G.S.SISTANI, J.

VINOD GOEL, J.

APRIL 21, 2017

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