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

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Date of Judgment: 7th March, 2017

+ **W.P. (C) 2151/2017 & C.M. No.9350/2017**

RAMBETI

..... Petitioner

Through Mr.Anand Shailani, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR Respondents

Through Mr.Mananjay Mishra, Adv. with
Ms.Nidhi Jain, Adv. for NDMC.
Mr.Siddhartha Shankar Ray, Adv. for R-2.
Mr.Ashish Mohan, Adv. for New Dehli Traders
Association.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

G.S.SISTANI, J. (ORAL)

1. Petitioner claims that name of her husband was in the list of 628 squatters prepared by NDMC. Her husband died in the year 2014 and thereafter she has been vending near Gate No.1, Palika Bazaar, New Delhi.
2. Learned counsel for the NDMC, who enters appearance on an advance copy, disputes each and every averment made by the

petitioner in the writ petition. He submits that the petitioner has not been vending as of date. No supporting documents have been placed on record.

3. Counsel for the petitioner submits that the petitioner is willing to be accommodated at the Laxmi Bai Nagar area.
4. We may note that this Court had made a spot inspection of the area i.e. Laxmi Bai Nagar in the presence of the Standing Counsel, NDMC, Chairman, NDMC, Director (Enforcement) and also some of the lawyers including Mr.Sumit, Mr.Tripathi. Principally, this site found favour with the counsels appearing for the Street Vendors.
5. This Court in the case of ***Mata Prasad v. New Delhi Municipal Council & Anr.***, being W.P. (C) 11562/2016, on 2nd March, 2017 had passed the following order:

“1. Petitioner in the present writ petition is in the list of 628 persons who claimed that they have been continuously squatting at different sites in Sarojini Nagar area.

2. During the course of hearing, an offer was made by Mr.Peechara, learned counsel for NDMC that NDMC would consider allotting sites to such persons who were removed in September-October, 2016 and are in the list of 628 persons at Laxmi Bai Nagar.

3. We may note that this Court had made a spot inspection of the area i.e. Laxmi Bai Nagar in the presence of the Standing Counsel, NDMC, Chairman,

NDMC, Director (Enforcement) and also some of the lawyers including Mr.Sumit, Mr.Tripathi. Principally, this site found favour with the counsels appearing for the Street Vendors.

4. Today, the petitioner in this petition has given his consent for being allotted a site at Laxmi Bai Nagar. It is agreed between the counsels that the procedures for allotment should be transparent and fair. The allotment will be made as per seniority out of the persons who are in the list of 628 persons and have been removed around September-October, 2016 and also thereafter, at the first instance.

5. Mr.Peechara submits that notices will be sent to all those persons who have been removed out of 628 persons; a seniority list will be prepared; service on those persons will be ensured; and one week's time will be granted to accept the offer, failing which the offer will be given to the next eligible persons. In case all the petitioners in the aforesaid matters are found eligible, they shall be given allotment, subject to the usual norms and terms of NDMC. Leave as prayed is granted to the petitioners to approach this Court in case they are not found successful and there is any grievance at their end.

6. The writ petitions are accordingly disposed of.

7. Pending applications also stand disposed of.”

6. Counsel for the petitioner submits that the same order be passed in this petition also. Ordered accordingly.

7. It is agreed between the counsels that the procedures for allotment should be transparent and fair. The allotment will be

made as per seniority out of the persons who are in the list of 628 persons and have been removed around September-October, 2016 and also thereafter, at the first instance.

8. Counsel for the NDMC submits that notices will be sent to all those persons who have been removed out of 628 persons; a seniority list will be prepared; service on those persons will be ensured; and one week's time will be granted to accept the offer, failing which the offer will be given to the next eligible persons. In case the petitioner in the aforesaid matter is found eligible, she shall be given allotment, subject to the usual norms and terms of NDMC. Leave as prayed is granted to the petitioner to approach this Court in case she is not found successful and there is any grievance at her end.
9. The writ petition is accordingly disposed of.
10. Pending application also stands disposed of.

G. S. SISTANI, J.

VINOD GOEL, J.

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