

\$~1

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

+ W.P.(C) 2550/2017

ANIL KUMAR BISHT & ORS

..... Petitioners

Through Mr. Dharmender Sharma with Ms.
Monika Singh, Advocates

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS..... Respondents

Through Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra, Advocate for
NDMC.
Mr. Sanjoy Ghose, ASC with Ms.
Pratishtha Vij, Advocate for GNCTD.
Mr. Ashish Mohan with Mr. Mohit
Kumar, Advocate for Sarojini Nagar
Market Association.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

%

17.05.2017

Twenty two petitioners had approached this Court by filing the present writ petition under Article 226 of the Constitution of India. By an order dated 28.04.2017, names of petitioners no.6 and 16 have been deleted from the array of parties. Mr. Sharma, learned counsel for the petitioners submits that the amended memo of parties will be filed during the course of the day.

The twenty petitioners claim to be regular squatters, whose names find mentioned in the list of 628 eligible persons prepared by the NDMC. They also claim to be vending at the Sarojini Nagar Market. The petitioners claim that

they were removed in the months of January and February, 2016. All the petitioners pray that they may be permitted to vend either at the Sarojini Nagar Market or an area close to Sarojini Nagar. The petitioners are willing to give an undertaking to the Court that they would not occupy an area exceeding 6 x 4 ft., they would not leave their goods at night, they would not sub-divide the spot or permit any other person to squat without the leave of the NDMC and they would also maintain all security norms.

Mr. Peechara, learned counsel for the NDMC, without admitting any of the averments made in the writ petition, submits that no doubt the names of the petitioners find mentioned in the list of 628 eligible persons, however, all the petitioners cannot be accommodated at the site from where they claim to be vending. Counsel submits that case of each of the petitioners would be scrutinised on the petitioners filing the documents supported by an affidavit, and after scrutiny they would be offered sites at Laxmi Bai Nagar area.

Mr. Sharma, learned counsel for the petitioners submits that the petitioners would accept the allotment in Laxmi Bai Nagar area and would file the documents supported by an affidavit and prays that the rights of those persons, who are not successful, be kept open to be decided at the appropriate stage.

It is agreed that in addition to an undertaking, the street vendors will also file an affidavit which will contain their names, photographs, addresses, copies of Aadhaar Cards, including their undertaking in the affidavits that they would not exceed 6 x 4 ft. area. The petitioners are directed to file the supporting documents with an affidavit expeditiously. The respondent shall decide the case of the petitioners within two weeks from the submission of the documents and the allotments shall be made within six weeks. Needless to say that this arrangement will be in force till the Town Vending Committee is functional and a decision is rendered at that stage.

The writ petition stands disposed in above terms.
CM.APPL 10986/2017 also stands disposed of.

G.S.SISTANI, J

C.HARI SHANKAR, J

MAY 17, 2017
pst /
W.P.(C) 2550/2017