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

+ W.P.(C) 6080/2016

BABULAL CHAURASIA

..... Petitioner

Through: Mr. A.N. Prasad, Advocate with
Mr. Rajeev L. Mahunja, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondent

Through: Ms. Reema Khorana, Advocate for R-1
with Mr. Praveen, official of R-1.

Mr. Devesh Singh, ASC with Mr. Vinod Kumar
Bhati, Advocate for GNCTD.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **21.03.2017**

Petitioner claims to be squatting at a Neighbourhood Market (known as Chandan Market), S-Block, Greater Kailash Part-II, New Delhi for the past 20 years. He submits that the necessity of filing this writ petition has arisen as he has been threatened by the officials of respondents no. 1 and 3 and is living in deep constant threat of being removed.

Notice was issued in the matter. Some of the receipts have been placed on record pertaining to the year 2004 and 2016. Counsel submits that the copies of further receipts are also available with him.

Counter affidavit has been filed wherein it has been stated that the impugned site was inspected and during inspection the petitioner was found

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squatting at the site, however, the petitioner is neither a Tehbazari holder nor an eligible squatter and thus he is encroaching on public land and since the Tehbazari licences have not been issued, it is a "No Hawking Zone". Counsel for the petitioner submits that since it has been established that he has been continuously squatting at the site in question, the petitioner would be entitled to protection under Section 3 of The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. He further submits that since the Town Vending Committee has not been constituted, there is no occasion for him to make an application for grant of licence. He further submits that as and when the Town Vending Committee is formed, he would approach the Town Vending Committee and submit supporting documents for grant of a licence.

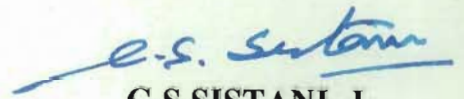
Since the site of the petitioner has been verified and he has been found squatting and two receipts placed on record show that he has been squatting since 2004, we direct that till the Town Vending Committee is constituted, the petitioner be not removed without following due process of law.

The writ petition is disposed of.

CM No. 24939/2016 (stay)

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

MARCH 21, 2017
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G.S.SISTANI, J.



VINOD GOEL, J.