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

+ W.P.(C) 3429/2017

KAJOR

..... Petitioner

Through Mr N.K. Sahoo, Advocate

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR Respondents

Through Mr. Sri Harsha Peechara, ASC with Mr.
Mananjay Mishra, Advocate for NDMC.
Mr. Sanjoy Ghose, ASC with Ms.
Aparajita Sharan, Advocate for GNCTD.
ASI Raj Pal Singh, P.S. Sarojini Nagar.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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18.05.2017

It is claimed that the wife of the petitioner was squatting at the back-side of Shop No.118 at Durga Mandir, Export Line, Sarojini Nagar. The wife of the petitioner expired on 11.12.2014. The petitioner has made an application for substitution of his name in place of his wife. Additionally, it is claimed that the petitioner has a vested right in his favour as he has been regularly squatting at the spot in question. Mr. Sahoo, learned counsel for the petitioner firstly, submits that since the Town Vending Committee(TVC) is not functional, the petitioner is not being allowed to squat. Secondly, his name is not being substituted and, thirdly his case has not been considered for allotment of a licence in his individual capacity.

Mr. Peechara, learned Additional Counsel for the NDMC submits that the wife of the petitioner was not a regular squatter and thus, no right can flow in favour of the petitioner upon her death. He also submits that the petitioner

cannot be allowed to squat and allowed to block the public pathways.

Mr. Sahoo submits that he has approached the Court repeatedly and prays that a direction should be issued to the TVC to consider not only the case of the petitioner as a legal heir of his Late wife Shanti Devi, but in his own right as well. He submits that as and when the TVC is functional, he would produce all supporting documents before the TVC to enable them to take a decision and in case a survey is conducted by the TVC and he is not found squatting at the site, that may not be a ground to reject his case.

Mr. Peechara, without admitting any of the averments made in the petition, submits that in case the petitioner produces all the supporting documents, his case would be considered in accordance with law and merely because that the petitioner is not found squatting at the site would not be a ground to reject his case.

We clarify that the petitioner would approach the TVC as a legal heir of Shanti Devi as also in his own right.

The writ petition stands disposed of in above terms.

CM.APPL 14989/2017 also stands disposed of.

Dasti.

G.S.SISTANI, J

C.HARI SHANKAR, J

MAY 18, 2017

pst/
W.P.(C) 3429/2017