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

+ W.P.(C) 8403/2016

MIRZA DANISH BEG AND ANR Petitioners
Through Ms.Gouri Karuna Mohanti, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ANR Respondents
Through Mr.Rajan Sabharwal, Standing Counsel,
NDMC

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER
24.07.2017

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Challenge in this writ petition is to the order dated 14.09.2016, by which the site of the petitioners has been shifted from Calcutia Gate to Hamilton Road, Old Delhi Railway Station.

Learned counsel for the petitioners submits that both the petitioners were awarded *tehbazari* sites at Calcutia Gate where the petitioners carried on their business for many years. Subsequently, by an order dated 10.10.2015 on the representations made by the petitioners, the respondents directed the petitioners to shift their vending activities from Calcutia Gate to Hamilton Road. The petitioners further complained that they are not being allowed to carry on their business even at Hamilton Road and are being shifted back to Calcutia Gate.

Mr.Sabharwal submits that the original site, which was awarded to the petitioners, was Calcutia Gate, however, on their representations made, they were allowed to vend at Hamilton Road by the orders of Zonal Deputy Commissioner. However, the said order was an illegal one.

Learned counsel for the petitioners submits that the impugned order has been passed without giving show-cause notice to the petitioners and without giving them an opportunity of hearing. Mr.Sabharwal submits that the order of 14.09.2016 may be treated as a show-cause notice; the petitioners be granted 10 days time to file a reply thereto and thereafter a speaking order would be passed within two weeks from the date of filing of the reply. Mr.Sabharwal also submits that till the passing of the order and for one week thereafter, the petitioners would not be dispossessed in case an order is passed against the petitioners. A hearing will also be granted to the petitioners.

With these agreed directions, the petition is disposed of.

G.S.SISTANI, J.

CHANDER SHEKHAR, J.

JULY 24, 2017/ka /