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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4374/2017 & CM 19129/2017**
PREM MASSY Petitioner
Through: Mr.N.K.Sahoo, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR. Respondents
Through: Mr.Harsha Peechana, ASC, NDMC with
Mr.Mananjay Mishra, Adv.
Mr.S.S.Ray, Adv for R-2

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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19.05.2017

1. None for the respondent no.2 despite the matter being passed over once and called second time.
2. The petitioner claims to be in the list of 628 vendors prepared by the NDMC and the grievance is not against the respondent no.1/NDMC but against the respondent no.2. It is submitted that he is vending in front of shop no.59, Sarojini Nagar, New Delhi, however, his possession is being threatened by the local police who are acting at the behest of some shopkeepers. In this backdrop, the petitioner has approached this Court again by seeking a writ of mandamus directing the respondent no.1 to ensure that he is not disturbed by the respondent no.2
3. Mr.Harsha, learned counsel for respondent no.1 enters appearance on an advance copy. He submits that the present

proceedings are misconceived as the petitioner has already approached this Court by filing a contempt petition being Contempt case no.967/2016 in which notice was issued and the next date has been fixed for 6th July, 2017. Mr.Harsha further submits that the prayer made in the writ petition does not reflect the actual grievance of the petitioner which is against the respondent no.2 and the shopkeeper who has not been made a party.

4. Mr.Sahoo, submits that the possession of the petitioner should be protected and he should be allowed to squat without any interference either from the local police or the shopkeeper since the NDMC is the agency who has allowed him to squat.

5. Having heard the learned counsel for the parties and in view of the fact that the allotment in favour of the petitioner is not disputed by the NDMC, we direct the area Inspector to ensure that the petitioner is allowed to squat at the area allotted to him provided the petitioner complies with norms of NDMC. We also direct the SHO of the area to ensure that this order is complied with. Any failure to this, shall be viewed strictly.

The writ petition is disposed of.

Dasti.

G.S.SISTANI, J

NAVIN CHAWLA, J

MAY 19, 2017
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