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

+ W.P. (C) 5299/2017 & C.Ms.22449-50/2017

THE MANGAL BAZAR RETAIL TRADE ASSOCIATION...

Petitioner

Through: Mr. Kamlesh Kumar Mishra,
Advocate

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS.

.....Respondents

Through: Mr. Mukesh Gupta, Standing
Counsel for SDMC with Mr.
Abhishek, Advocate for
respondent-SDMC
Mr. Sanjoy Ghose, ASC with Ms.
Aparajita Sharan, Advocate with SI
Satyavir Singh for respondent-
GNTCD

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

16.06.2017

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Apprehending relocation, petitioner seeks a mandamus to respondents to restrain them from relocating petitioner as in terms of order of 1st April, 2016 in W.P. (C) 8901/2015, petitioner is still well within its rights to organize the weekly bazaar at *60 Foota Road, (near Dhan Mill) Chhattarpur, New Delhi*.

Learned counsel for petitioner submits that petitioner is organizing weekly bazaar at the above-noted place for last many years and its relocation is contrary to the order of 1st April, 2016 as well as

respondent's office order and that petitioner was not party to the minutes of meeting of 28th March, 2017, on the basis of which petitioner is sought to be relocated.

Upon notice, Mr. Mukesh Gupta, learned Standing Counsel for South Delhi Municipal Corporation (SDMC) submits that the locus of petitioner is very much an issue and that petitioner had sought to become a party in the Cont.Cas (C) No.235/2017, but petitioner deliberately did not appear on 26th May, 2017 to defeat the amicable resolution of issues between the parties, which has already taken place and so, by way of this writ petition, the arrangement made vide minutes of meeting on 28th March, 2017 ought not to be disturbed.

Upon preliminary hearing and on perusal of order of 26th May, 2017 in Cont.Cas(C) No.235/2017 and the material on record, I find that since locus of petitioner is an issue, therefore, it would be appropriate to relegate petitioner to make a short representation of not more than 2 or 3 pages to respondent-SDMC on or before 19th June, 2017.

At this stage, learned counsel for petitioner submits that he does not have copy of minutes of meeting of 28th March, 2017. Learned standing counsel for SDMC submits that a copy of minutes of meeting of 28th March, 2017 would be supplied to petitioner's counsel during the course of day.

Let it be so done.

Learned counsel for petitioner submits that a brief representation would be positively made on 19th June, 2017 and till the said representation is responded to, petitioner be permitted to organize weekly bazaar at the existing place. This prayer for interim relief is staunchly

resisted by learned standing counsel for respondent-SDMC, who submits that as locus of petitioner is very much an issue, therefore, respondent-SDMC shall decide petitioner's representation within two weeks while dealing with the issue of locus and the factual aspect in the light of the minutes of meeting of 28th March, 2017.

Since it is question of livelihood of members of petitioner-association, therefore, it is deemed appropriate to dispose of this petition with direction to respondent-SDMC to decide petitioner's representation within seven working days from the day of its receipt, by passing a speaking order and its fate be made known to petitioner within 24 hours, to enable petitioner to avail of the remedies as available in law, if need be.

If need be, an opportunity of personal hearing be afforded to petitioner's representatives as well as to persons, who were party to minutes of meeting of 28th March, 2017.

With aforesaid directions, this petition and the applications are disposed of.

A copy of this order be given *dasti* under signatures of Court Master to petitioner's counsel as well as learned Standing Counsel for respondent-SDMC.

(SUNIL GAUR)
JUDGE

JUNE 16, 2017

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