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

+ W.P.(C) 5305/2017 & CM No.22498/2017

ASHISH CHAND & ORS

..... Petitioners

Through : Mr.Lal Babu Lalit, Adv.

versus

THE LIEUTENANT GOVERNOR & ORS

..... Respondents

Through : Mr.Mukesh Gupta, standing counsel  
for MCD with Mr.Abhishek Sharma,  
Adv.

Mr.Naushad Ahmed Khan, ASC with  
Mr.Manzar Anis, Adv. for R-1,2,3,6  
& 7

+ W.P.(C) 5318/2017 & CM No.22535/2017

NATIONAL HAWKERS FEDERATION

..... Petitioner

Through : Mr.Lal Babu Lalit, Adv.

versus

LIEUTENANT GOVERNOR & ORS

..... Respondents

Through : Mr.Mukesh Gupta, standing counsel  
for MCD with Mr.Abhishek Sharma,  
Adv.

Mr.Naushad Ahmed Khan, ASC with  
Mr.Manzar Anis, Adv. for R-1,2,7 to  
10

+ W.P.(C) 5319/2017 & CM No.22536/2017

MANOJ MAHESHWARI & ORS

..... Petitioners

*W.P.(C) 5305/2017 & Conn.*

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Through : Mr.Lal Babu Lalit, Adv.

versus

THE LIEUTENANT GOVERNOR & ORS

..... Respondents

Through : Mr.Mukesh Gupta, standing counsel  
for MCD with Mr.Abhishek Sharma,  
Adv.  
Mr.Varun Nischal, Adv. for R-1,2,3,  
6 & 7

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

**HON'BLE MR. JUSTICE YOGESH KHANNA**

**ORDER**

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**23.06.2017**

**CM No.22537/2017 in W.P.(C) 5319/2017**

Allowed, subject to just exceptions.

Accordingly, the application stands disposed of.

**W.P.(C) 5305/2017 & CM No.22498/2017**

**W.P.(C) 5318/2017 & CM No.22535/2017**

**W.P.(C) 5319/2017 & CM No.22536/2017**

Present writ petitions have been filed by street vendors seeking stay of their eviction from spots where they are presently vending.

In the present writ petitions it has been averred that in accordance with Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the petitioners cannot be

evicted, until the statutory survey has been completed.

The petitioners have also placed on record documents to show that petitioners have been vending from their respective sites for the last several years.

Learned counsel for the respondents state that an order dated 6<sup>th</sup> June, 2017 and an office order dated 09<sup>th</sup> June, 2017 have been issued by SDMC for removal of encroachments on several stretches of roads in accordance with the order dated 30<sup>th</sup> May, 2017 passed by a Division Bench of this Court in Writ Petition (Civil) No.4999/2017. The relevant portion of the order dated 30<sup>th</sup> May, 2017 is reproduced hereinbelow :-

*“4. The respondents shall examine the list of major encroachments/road blocks and other complaints pointed out by the petitioner in Annexure-P1 (page 3) and steps shall be taken to redress the same to ensure proper circulation and movement of traffic.”*

(emphasis supplied)

In the opinion of this Court, as the impugned action has been taken by SDMC in pursuance to the order dated 30<sup>th</sup> May, 2017 passed by a Division Bench, present writ petitions are not maintainable. In the event the petitioners are aggrieved by the impugned directions issued by the SDMC in pursuance to the order dated 30<sup>th</sup> May, 2017 passed by the Division Bench, the appropriate course for the petitioners is to file applications in the pending civil writ petition being WP(C) No.4999/2017.

Consequently, with the liberty to file applications in the pending civil writ petition being WP(C) No.4999/2017, the present writ petitions along with pending applications are disposed of.

**MANMOHAN, J**  
**(Vacation Judge)**

**YOGESH KHANNA, J**  
**(Vacation Judge)**

**JUNE 23, 2017**  
**VLD**