

\$~22 to 31, 33, 34, 36 to 39 & 41

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

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Date of Order: 17th May, 2017

+ W.P.(C) 11115/2016 & CMs.APPL 43450/2016 & 9910/2017

DEVENDER

..... Petitioner

Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo,
Advocates

versus

NEW DELHI MUNICIPAL COUNCIL & ANR Respondents

Through Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra, Advocate for
NDMC.

Mr. Devesh Singh, ASC with Ms.
Jyoti Taneja, Advocate for GNCTD.
Mr. Ashish Mohan with Mr. Mohit
Kumar, Advocate for Sarojini Nagar
Market Association.

+ W.P.(C) 11190/2016 & CM.APPL 43767/2016(stay)

SATYA NARAYAN SHARMA

..... Petitioner

Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo,
Advocates

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR..... Respondents

Through Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra, Advocate for
NDMC.

Mr. Devesh Singh, ASC with Ms.
Jyoti Taneja, Advocate for GNCTD.
Mr. Ashish Mohan with Mr. Mohit
Kumar, Advocate for Sarojini Nagar
Market Association.

- + W.P.(C) 11203/2016 & CM.APPL 43856/2016(stay)
HARCHARAN SINGH Petitioner
- Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo,
Advocates
- versus
- NEW DELHI MUNICIPAL COUNCIL & ANR Respondents
- Through Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra, Advocate for
NDMC.
Mr. Tarunvir Singh Khehar, Mr.
Gurmeet Khehar and Mr. Charanjeet
Singh, Advocates for respondent no.1.
Mr. Devesh Singh, ASC with Ms.
Jyoti Taneja, Advocate for GNCTD.
Mr. Ashish Mohan with Mr. Mohit
Kumar, Advocate for Sarojini Nagar
Market Association.
- + W.P.(C) 11205/2016 & CM.APPL 43858/2016(stay)
BRIJ MOHAN @ SHASHI Petitioner
- Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo,
Advocates
- versus
- NEW DELHI MUNICIPAL COUNCIL AND ANR..... Respondents
- Through Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra, Advocate for
NDMC.
Mr. Tarunvir Singh Khehar, Mr.
Gurmeet Khehar and Mr. Charanjeet
Singh, Advocates for respondent no.1.
Mr. Devesh Singh, ASC with Ms.
Jyoti Taneja, Advocate for GNCTD.

Mr. Ashish Mohan with Mr. Mohit Kumar, Advocate for Sarojini Nagar Market Association.

+ W.P.(C) 11206/2016 & CM.APPL 43859/2016(stay)

RANJIT SINGH

..... Petitioner

Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo,
Advocates

versus

NDMC & ANR

..... Respondents

Through Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra, Advocate for
NDMC.

Mr. Tarunvir Singh Khehar, Mr.
Gurmeet Khehar and Mr. Charanjeet
Singh, Advocates for respondent no.1.
Mr. Devesh Singh, ASC with Ms.
Jyoti Taneja, Advocate for GNCTD.
Mr. Ashish Mohan with Mr. Mohit
Kumar, Advocate for Sarojini Nagar
Market Association.

+ W.P.(C) 11561/2016 & CM.APPL 45571/2016(interim relief)

MURARI LAL SHARMA

..... Petitioner

Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo,
Advocates

versus

NEW DELHI MUNICIPAL CORPORATION AND ANR

..... Respondents

Through Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra, Advocate for
NDMC.

Mr. Devesh Singh, ASC with Ms.
Jyoti Taneja, Advocate for GNCTD.

Mr. Ashish Mohan with Mr. Mohit Kumar, Advocate for Sarojini Nagar Market Association.

+ W.P.(C) 11593/2016 & CM.APPL 45644/2016(stay)
NARENDER KUMAR Petitioner

Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo,
Advocates

versus

NEW DELHI MUNICIPAL COUNCIL & ANR Respondents

Through Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra, Advocate for
NDMC.

Mr. Devesh Singh, ASC with Ms.
Jyoti Taneja, Advocate for GNCTD.
Mr. Ashish Mohan with Mr. Mohit
Kumar, Advocate for Sarojini Nagar
Market Association.

+ W.P.(C) 11983/2016 & CM.APPL 47327/2016
DEVI CHARAN Petitioner

Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo,
Advocates

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS

..... Respondents

Through Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra, Advocate for
NDMC.

Mr. Devesh Singh, ASC with Ms.
Jyoti Taneja, Advocate for GNCTD.
Mr. Ashish Mohan with Mr. Mohit
Kumar, Advocate for Sarojini Nagar
Market Association.

+ W.P.(C) 11987/2016 & CM.APPL 47334/2016

ARUN KUMAR @ LUCKY

..... Petitioner

Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo,
Advocates

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS.

..... Respondents

Through Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra, Advocate for
NDMC.
Mr. Devesh Singh, ASC with Ms.
Jyoti Taneja, Advocate for GNCTD.
Mr. Ashish Mohan with Mr. Mohit
Kumar, Advocate for Sarojini Nagar
Market Association.

+ W.P.(C) 11996/2016 & CM.APPL 47390/2016

RAJESH KUMAR

..... Petitioner

Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo,
Advocates

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS.

..... Respondents

Through Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra, Advocate for
NDMC.
Mr. Devesh Singh, ASC with Ms.
Jyoti Taneja, Advocate for GNCTD.
Mr. Ashish Mohan with Mr. Mohit
Kumar, Advocate for Sarojini Nagar
Market Association.

- + W.P.(C) 12011/2016 & CM.APPL 47410/2016
VISHNU DAYAL AGGARWAL Petitioner
- Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo,
Advocates
- versus
- NDMC & ORS. Respondents
- Through Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra, Advocate for
NDMC.
Mr. Devesh Singh, ASC with Ms.
Jyoti Taneja, Advocate for GNCTD.
Mr. Ashish Mohan with Mr. Mohit
Kumar, Advocate for Sarojini Nagar
Market Association.
- + W.P.(C) 12098/2016 & CM.APPL 47762/2016
ROHIT CHAWLA Petitioner
- Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo,
Advocates
- versus
- NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS.
..... Respondents
- Through Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra, Advocate for
NDMC.
Mr. Devesh Singh, ASC with Ms.
Jyoti Taneja, Advocate for GNCTD.
Mr. Ashish Mohan with Mr. Mohit
Kumar, Advocate for Sarojini Nagar
Market Association.
- + W.P.(C) 12166/2016 & CM.APPL 48047/2016
PURAN CHAND Petitioner
- Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo,
Advocates

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR..... Respondents

Through Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra, Advocate for
NDMC.

Mr. Devesh Singh, ASC with Ms.
Jyoti Taneja, Advocate for GNCTD.
Mr. Ashish Mohan with Mr. Mohit
Kumar, Advocate for Sarojini Nagar
Market Association.

+ W.P.(C) 381/2017 & CM.APPL 1784/2017
GOVIND SINGH & ANR.

..... Petitioners

Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo,
Advocates

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS.

..... Respondents

Through Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra, Advocate for
NDMC.

Mr. Devesh Singh, ASC with Ms.
Jyoti Taneja, Advocate for GNCTD.
Mr. Ashish Mohan with Mr. Mohit
Kumar, Advocate for Sarojini Nagar
Market Association.

+ W.P.(C) 1162/2017 & CM.APPL 5282/2017
KUSUM DEVI

..... Petitioner

Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo,
Advocates

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR

..... Respondents

Through Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra, Advocate for
NDMC.

Mr. Devesh Singh, ASC with Ms.
Jyoti Taneja, Advocate for GNCTD.
Mr. Ashish Mohan with Mr. Mohit
Kumar, Advocate for Sarojini Nagar
Market Association.

+ W.P.(C) 2865/2017 & CM.APPL 12523/2017

HARI OM

..... Petitioner

Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo,
Advocates

versus

NEW DELHI MUNICIPAL COUNCIL & ANR..... Respondents

Through Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra, Advocate for
NDMC.

Mr. Devesh Singh, ASC with Ms.
Jyoti Taneja, Advocate for GNCTD.
Mr. Ashish Mohan with Mr. Mohit
Kumar, Advocate for Sarojini Nagar
Market Association.

+ W.P.(C) 3557/2017 & CM.APPL 15586/2017

SUSHIL KUMAR

..... Petitioner

Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo,
Advocates

versus

NEW DELHI MUNICIPAL COUNCIL & ORS Respondents

Through Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra, Advocate for
NDMC.

Mr. Devesh Singh, ASC with Ms.
Jyoti Taneja, Advocate for GNCTD.

Mr. Ashish Mohan with Mr. Mohit
Kumar, Advocate for Sarojini Nagar
Market Association.

CORAM:

HON'BLE MR. JUSTICE G.S. SISTANI

HON'BLE MR. JUSTICE C. HARISHANKAR

G.S.SISTANI, J. (ORAL)

1. The petitioners have filed the present writ petitions under Article 226 of the Constitution of India. It is a common case of all the petitioners that they are regular squatters and their names find mentioned in the list of 628 street vendors prepared by the NDMC. It is also the case of the petitioners that they have been illegally removed by the officials of the NDMC. Today a common submission of the learned counsel for the petitioners is that the petitioners are willing to accept the alternative sites at D-Avenue, Sarojini Nagar. The petitioners are willing to give an undertaking to the Court that they would not occupy an area exceeding 6 x 4 ft., they would not leave their goods at night, they would not sub-divide the spot or permit any other person to squat without the leave of the NDMC and they would also maintain all security norms.
2. Mr. Peechara, learned counsel for the NDMC submits that admittedly the names of the petitioners find mentioned in the list of 628 persons

prepared by the NDMC. He submits that the NDMC would prepare a seniority list and make interim allotments till the Town Vending Committee is functional and provides sites to these petitioners. He submits that out of 19 petitioners, 17 petitioners would be accommodated and the remaining petitioners would be granted site at Laxmi Bai Nagar.

3. We dispose of all these writ petitions with the consent of the parties while addressing concerns of the applicants and also the NDMC.
4. It is agreed that in addition to an undertaking, the street vendors will also file an affidavit which will contain their names, photographs, addresses, copies of Aadhaar Cards, including their undertaking on affidavits that they would not exceed 6 x 4 ft. area. It is agreed that upon the petitioners filing the relevant documents supported by an affidavit, the offer would be given to all the 19 petitioners by the respondent. After the re-allocation is made, NDMC will take clear dated photographs of the area, with the person and file the same in the Registry, which will form part of the Court record, to be relied upon for any future proceedings. The area will be inspected by NDMC at least once a month, to ensure that there is no violation of the norms or the area is not being sub-divided or sub-let. The NDMC will file an affidavit after the demarcation is carried out. The affidavit shall disclose the number of sites allotted and names of persons who are allowed to vend, with photographs, after serving an advance copy to the learned counsel for the petitioners. If no objection is filed by the petitioners within one week of receipt of the affidavit, the same would

be deemed to be taken as correct and no objections will be entertained thereafter.

5. With these directions the writ petitions stand disposed of.

CMs.APPL 43450/2016 & 9910/2017 in W.P.(C) 11115/2016

CM.APPL 43767/2016(stay) in W.P.(C) 11190/2016

CM.APPL 43856/2016(stay) in W.P.(C) 11203/2016

CM.APPL 43858/2016(stay) in W.P.(C) 11205/2016

CM.APPL 43859/2016(stay) in W.P.(C) 11206/2016

CM.APPL 45571/2016(relief) in W.P.(C) 11561/2016

CM.APPL 45644/2016(stay) in W.P.(C) 11593/2016

CM.APPL 47327/2016 in W.P.(C) 11983/2016

CM.APPL 47334/2016 in W.P.(C) 11987/2016

CM.APPL 47390/2016 in W.P.(C) 11996/2016

CM.APPL 47410/2016 in W.P.(C) 12011/2016

CM.APPL 47762/2016 in W.P.(C) 12098/2016

CM.APPL 48047/2016 in W.P.(C) 12166/2016

CM.APPL 1784/2017 in W.P.(C) 381/2017

CM.APPL 5282/2017 in W.P.(C) 1162/2017

CM.APPL 12523/2017 in W.P.(C) 2865/2017

CM.APPL 15586/2017 in W.P.(C) 3557/2017

6. The applications stand disposed of in view of above.

G.S.SISTANI, J

C.HARI SHANKAR, J

MAY 17, 2017/pst