

\$~33, 5, 7, 8, 9, 10, 19 & 20

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

+ W.P.(C) 5781/2017

YASHPAL

..... Petitioner

Through Mr.Dharmender Sharma, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS..... Respondents

Through Mr.Sri Harsha Peechara, ASC, NDMC
with Mr.Mananjay Mishra & Ms.Vidhi
Jain, Advs. for NDMC along with
Mr.Narayan Kumar, ALO, NDMC, in
person.
Mr.Devesh Singh, ASC (Civil) with
Ms.Neelam, Adv. for Delhi Police.

+ W.P.(C) 4429/2017

RAJ KUMAR

..... Petitioner

Through Mr.Dharmender Sharma, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS..... Respondents

Through Mr.Sri Harsha Peechara, ASC, NDMC
with Mr.Mananjay Mishra & Ms.Vidhi
Jain, Advs. for NDMC along with
Mr.Narayan Kumar, ALO, NDMC, in
person.
Ms.Divya Jyoti Singh, Adv. for R-3.
Mr.Ashish Mohan, Adv. for Sarojini
Nagar Market Association.

+ W.P.(C) 4482/2017

RAM MURAT

..... Petitioner

Through Mr.Dharmender Sharma, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS..... Respondent

Through Mr.Sri Harsha Peechara, ASC, NDMC
with Mr.Mananjay Mishra & Ms.Vidhi
Jain, Advs. for NDMC along with
Mr.Narayan Kumar, ALO, NDMC, in
person.
Ms.Divya Jyoti Singh, Adv. for R-3.
Mr.Ashish Mohan, Adv. for Sarojini
Nagar Market Association.

+ W.P.(C) 4729/2017

RAJ BAHADUR CHOUDHRI & ORS Petitioners
Through Mr.Dharmender Sharma, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS..... Respondent
Through Mr.Sri Harsha Peechara, ASC, NDMC
with Mr.Mananjay Mishra & Ms.Vidhi
Jain, Advs. for NDMC along with
Mr.Narayan Kumar, ALO, NDMC, in
person.
Mr.Mukesh Kr. Singh, Adv. for R-3.
Mr.Ashish Mohan, Adv. for Sarojini
Nagar Market Association.

+ W.P.(C) 4971/2017

VIJAY KUMAR MISHRA Petitioner
Through Mr.Dharmender Sharma, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS..... Respondent
Through Mr.Sri Harsha Peechara, ASC, NDMC
with Mr.Mananjay Mishra & Ms.Vidhi
Jain, Advs. for NDMC along with
Mr.Narayan Kumar, ALO, NDMC, in
person.
Mr.Mukesh Kr. Singh, Adv. for R-3.
Mr.Ashish Mohan, Adv. for Sarojini
Nagar Market Association.

+ W.P.(C) 5172/2017

RAM SAGAR GUPTA & ORS

..... Petitioners

Through Mr.Dharmender Sharma, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS..... Respondent

Through Mr.Sri Harsha Peechara, ASC, NDMC
with Mr.Mananjay Mishra & Ms.Vidhi
Jain, Advs. for NDMC along with
Mr.Narayan Kumar, ALO, NDMC, in
person.
Ms.Iram Majid, Adv. for R-3.
Mr.Ashish Mohan, Adv. for Sarojini
Nagar Market Association.

+ W.P.(C) 4892/2017

SUNDER SINGH

..... Petitioner

Through Mr.Dharmender Sharma, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS..... Respondent

Through Mr.Sri Harsha Peechara, ASC, NDMC
with Mr.Mananjay Mishra & Ms.Vidhi
Jain, Advs. for NDMC along with
Mr.Narayan Kumar, ALO, NDMC, in
person.
Ms.Jyoti Taneja, Adv. for R-3.
SI Hemant, PS Sarojini Nagar, in person.
Mr.Ashish Mohan, Adv. for Sarojini
Nagar Market Association.

+ W.P.(C) 4907/2017

ANIS AHMED

..... Petitioner

Through Mr.Dharmender Sharma, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS..... Respondent

Through Mr.Sri Harsha Peechara, ASC, NDMC
with Mr.Mananjay Mishra & Ms.Vidhi
Jain, Advs. for NDMC along with
Mr.Narayan Kumar, ALO, NDMC, in
person.
Mr.Devesh Singh, ASC (Civil) with
Ms.Neelam, Adv. for Delhi Police.
SI Hemant, PS Sarojini Nagar, in person.
Mr.Ashish Mohan, Adv. for Sarojini
Nagar Market Association.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE P.S. TEJI

ORDER

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12.07.2017

C.M. Nos.24125/2017 & 24126/2017 (exemption) in W.P. (C) No.5781/2017

C.M. No.19346/2017 (exemption) in W.P. (C) No.4429/2017,

C.M. No.19583/2017 (exemption) in W.P. (C) No.4482/2017 and

C.M. No.21204/2017 (exemption) in W.P. (C) No.4892/2017

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

W.P. (C) Nos.5781/2017, 4429/2017, 4482/2017, 4729/2017, 4971/2017,
5172/2017, 4892/2017 & 4907/2017

Learned counsel for the petitioners points out that the names of all the petitioners find mentioned in the list of 628 street vendors prepared by the NDMC. However, eight petitioners were removed in October, 2016 in an action taken by the NDMC. It is the case of Mr.Peechara that the remaining 5 petitioners were not found vending and thus, their case cannot be considered along with the other street vendors who are petitioners herein.

Mr.Sharma points out that in W.P. (C) Nos.11592/2016 and others, an order was passed on 25.04.2017 by which it was directed that 20 street vendors,

who were vending along the tree line, would be pushed back to the boundary wall of Shops No.36 & 37, Sarojini Nagar Market. The purpose of this exercise was to find extra space as some space was being taken by the trees which were planted along the said area. Eight petitioners pray that they are identically placed as the petitioners in the earlier writ petitions.

Mr.Peechara points out and it is agreed by Mr.Sharma that there are only 20 *Tharas* available and eight persons would have to be re-allocated to Laxmi Bai Nagar.

Learned counsel for the petitioners suggests that out of 28 persons, 20 persons be selected by draw of lots and all the 28 persons will abide by the said decision. Barring the 5 petitioners being Raj Bahadur Choudhri, Ravinder Kul, Manoj Kumar (petitioners in W.P. (C) No.4729/2017), Sunder Singh (petitioner in W.P. (C) No.4892/2017) and Anis Ahmed (petitioner in W.P. (C) No.4907/2017), with the consent of the parties, we direct the NDMC to devise a fair method to allot the space to 20 persons at Dukhi Chowk, Sarojini Nagar Market and 8 persons at Laxmi Bai Nagar. The draw will be held in the presence of all the 28 persons as well as in the presence of their Advocate(s), as expeditiously as possible.

In W.P. (C) No.4892/2017, in the last order the name of Ms.Jyoti Taneja, Advocate finds mentioned as counsel for NDMC whereas she had appeared on behalf of GNCTD. The typographical error stands corrected.

With these directions, all the writ petitions are disposed of.

C.M. No.24127/2017 (for stay) in W.P. (C) No.5781/2017,
C.M. No.19347/2017 (for stay) in W.P. (C) No.4429/2017,
C.M. No.19585/2017 (for stay) in W.P. (C) No.4482/2017,
C.M. No.20698/2017 (for stay) in W.P. (C) No.4729/2017,
C.M. No.21451/2017 (for stay) in W.P. (C) No.4971/2017,
C.M. No.22088/2017 (for stay) in W.P. (C) No.5172/2017,
C.M. No.21206/2017 (for stay) in W.P. (C) No.4892/2017 and

C.M. No.21269/2017 (for stay) in W.P. (C) No.4907/2017

Applications stand disposed of in view of the order passed in the writ petitions.

G.S.SISTANI, J.

P.S. TEJI, J.

JULY 12, 2017/ka /

W.P.(C) 5781/2017 & others

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