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

+ W.P.(C) 12159/2016 & CM.APPL 48035/2016

LAXMAN DASS

..... Petitioner

Through Mr. Satish Kumar Tripathi, Advocate

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through Mr. Sri Harsha Peechara, ASC and Ms.
Vidhi Jain and Mr. Sailja Nandan Mishra,
Advocates for the NDMC along with Mr.
Narayan Kumar, ALO, NDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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31.01.2017

Counter affidavit is not on record, although an advance copy was supplied to the counsel for the petitioner. Mr. Harsha submits that the copy has been sent to the Office for signatures and attestation and the same would be filed within three days. A copy of the counter affidavit has been handed over in Court for perusal of this Court.

The petitioner claims to be squatting at G-Avenue Road, Opposite Shop no.60, Babu Market, Sarojini Nagar, New Delhi. He has been removed by the NDMC on the ground that the entries to Babu Market is being obstructed in the manner in which the petitioner is carrying out his vending activities. Both the counsels rely on photograph filed on page 15 along with rejoinder (copy of which has been handed over in the Court and the same is not on record). Mr. Harsha submits that a careful analysis of the photograph would show that the pictures on top of page 15 shows that there is no obstruction by the petitioner

while in reality, the petitioner occupies three steps which are shown on the picture on the top of the page which obstructs the passage and customers entering the Babu Market. Mr. Tripathi, learned counsel for the petitioner submits that the petitioner is willing to file an undertaking that he will not extend the site beyond the area as shown in the picture on top of page 15. It is agreed that subject to the petitioner filing the undertaking, the petitioner will not be removed. The undertaking will be filed within ten days after serving a copy to the counsel for the respondent.

As agreed, the writ petition is disposed of in above terms.

CM.APPL 48035/2016 also stands disposed of.

A copy of the order be given Dasti to the counsel for the parties.

G.S.SISTANI, J

VINOD GOEL, J

JANUARY 31, 2017

pst

W.P.(C) 12159/2016