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

% *Date of Judgment: 08th November, 2017*

+ **W.P.(C) 6879/2017**

JATINDER KAPOOR

..... Petitioner

Through: Mr.Anil Sharma, Mr.Gurpreet Singh,
Mr.Arun Baali and Mr.Jaskaran
Singh, Advts.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Mr.Mukesh Gupta, Mr.Sri Harsha
Peechara, Standing counsels for
SDMC with Ms.Vidhi Jain, Adv. and
Mr.Neeraj Dabas, Assistant Comm.,
SDMC with Mr.Sheeshpal, Area
Inspector, SDMC.
Ms.Shobhna Takiar, Adv. for DDA.
Mr.Gaurav Varma, Adv. for R-4 and
R-5 with Insp./SHO Ved Prakash and
SI Satyender Gulia, PS Kalkaji.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V.KAMESWAR RAO

G.S.SISTANI, J. (ORAL)

1. With the consent of the parties, the present writ petition is taken up for final hearing and disposal.
2. The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a writ in the nature of Mandamus directing the respondents to remove the hawkers/street vendors/squatters from in front of and around the areas of premises of the petitioner i.e. G-2, Ground Floor, 55, Madhuban, Nehru Place,

New Delhi as the hawkers and street vendors are causing inconvenience and blocking the ingress and egress of the petitioner, his staff, customers, tenants and prospective tenants have refused to consider taking the property on rent for the above reasons. It is also contended by the counsel for the petitioner that the respondent has declared Nehru Place area as 'no vending', 'no hawking' zone but they are not following their own stand which has been taken before this Court in a number of matters. Counsel for the petitioner complains that on account of inaction on the part of the officials of the SDMC the petitioner has not only suffered harassment but also suffered financial loss as the lease with respect to the subject property was determined by the Central Bank of India (the tenant) on account of hindrance caused and obstructions on account of the area being blocked by the hawkers. The petitioner had also complained that on account of obstruction to free movement of pedestrians, the area in question cannot be accessed in case of an emergency and the same would lead to loss of life and property if relief cannot be provided on account of the area being blocked by hawkers and street vendors.

3. Notice was issued in the matter. A status report was filed, however, the learned counsel for the petitioner had submitted that despite the status report filed by the respondents no.4 and 5 and also by the SDMC, the factual position remained unchanged. We had thereafter again adjourned the matter to enable the SDMC and the Delhi Police to work out a plan so that the ingress and egress and the right of the petitioner to earn his livelihood is not curtailed.

4. Today, another status report, communications addressed by the SDMC to the Deputy Commissioner of Police and photographs dated 30.10.2017, 31.10.2017, 01.11.2017, 03.11.2017, 06.11.2017 & 07.11.2017 have been handed over in Court to show that the area outside the shop of the petitioner has been cleared of all encroachments. The documents and photographs handed over in Court shall form part of the Court Record.
5. The SDMC and the local police shall remain bound by the stand taken in the Court and photographs placed on record shall form part of Court record and the area shall remain encroachment free.
6. In view of the photographs handed over in court and the observations so made, learned counsel for the petitioner submits that the writ petition may be disposed of in the above terms. Accordingly, the writ petition is disposed of.

G.S.SISTANI, J.

V.KAMESWAR RAO, J.

NOVEMBER 08, 2017

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