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

+ W.P.(C) 7376/2017

BAL CHAND GUPTA

..... Petitioner

Through

Mr.Satish Kr. Tripathi, Adv. with
Mr.Amit Kr. Dubey, Adv. along with
petitioner in person.

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through

Mr.Sri Harsha Peechara, Standing
Counsel, NDMC with Mr.Mananjay Kr.
Mishra & Ms.Vidhi Jain, Advs.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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18.09.2017

The present petition has been filed by the petitioner under Article 226 of the Constitution of India for enforcement of his legal right against the alleged arbitrary, illegal and unlawful acts of the respondent as detailed in the petition and for seeking an appropriate writ/order/direction to the respondent not to disturb the petitioner from squatting at the site in question.

The petitioner claims to be a street vendor and has been squatting near Gate No.4, Palika Bazar. The complaint of the petitioner is that although the respondent claims that the area around Palika Bazar is a “No Hawking No Vending” zone, but the respondent permits unauthorized street vendors to squat, while the petitioner, who is a regular street vendor and his name also finds mentioned in the list of 628 street vendors, is being harassed and singled out. Mr.Tripathi, learned counsel for the petitioner has drawn the attention of the Court to various photographs which have been filed along with the writ petition.

On the last date of hearing, the learned counsel for the respondent had entered appearance and had sought time to ascertain the factual position. Mr.Peechara, learned counsel for NDMC submits on instructions that the NDMC continues to maintain the area around Palika Bazar as a “No Hawking No Vending” zone, except for those persons who have been granted licences and are the allottees of Thareja Committee. Mr.Peechara further submits that the NDMC is following a uniform policy and drives are undertaken regularly to remove the unauthorized occupants. He submits that the photographs relied upon could be with regard to those persons who come and occupy the area unauthorizedly. He further submits that the stand taken by the NDMC in Court is being faithfully followed. He also submits that since the name of the petitioner finds mentioned in the list of 628 street vendors and he has supporting documents in his favour, the respondent/NDMC would allot an alternate site to the petitioner in the area of Laxmi Bai Nagar, Delhi, subject to the petitioner complying with the formalities.

Mr.Tripathi, learned counsel for the petitioner accepts the proposal so made by the respondent. Let an Allotment Letter be issued in favour of the petitioner, as stated by the respondent, within a period of one week from today.

The writ petition, as prayed by the parties, is disposed of in above terms.

Dasti.

G.S.SISTANI, J.

CHANDER SHEKHAR, J.

SEPTEMBER 18, 2017/ka /