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

+ W.P.(C) 7411/2017

LOTAN PRASAD AND ORS

..... Petitioners

Through Mr. Anand Shailani, Advocate

versus

NORTH DELHI MUNICIPAL CORPORATION AND ANR

..... Respondents

Through Ms. Jyoti Taneja, Advocate for
respondent no.1/NDMC.

Mr. Amresh Mathur and Mr. Sumit for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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07.09.2017

Out of the five petitioners, four petitioners being petitioners no.1 to 4 claim to be squatting opposite Delhi Police Colony, DESU Road, Shalimar Bagh, New Delhi, while petitioner no.5 claim to be squatting near BE Block, Maharaja Aggarsen Marg, Shalimar Bagh, New Delhi. The petitioners complain of harassment at the hands of the respondents. It is also submitted that the petitioners are forced to shift their sites whenever they are under the threat of removal.

After some hearing, learned counsel for the petitioners submit that a direction be issued to permit the petitioners to approach the Town Vending Committee(TVC) as and when it is constituted with all supporting documents and merely because they are not found vending at the site should not be a ground to reject their case.

Ms.Jyoti Taneja, learned counsel for the North Delhi Municipal Corporation does not admit the averments made in the writ petition. She submits that the petitioners are not regular squatters and cannot be granted any

protection. It is submitted that should the petitioners make an application with supporting documents before the TVC, the same would be considered in accordance with law and merely because the petitioners are not found squatting, that itself alone would not be a ground to reject the case of the petitioners.

Accordingly, the present petition is disposed of with the following agreed directions: -

- (i) The petitioners would approach the TVC as and when it is constituted with all the supporting documents;
- (ii) The TVC will consider the case of the petitioners in accordance with law and expeditiously after taking into consideration all the material placed on record;
- (iii) Merely because the petitioners are not found vending at the site when the survey is conducted, that by itself would not be a ground alone to reject their case.

We make it clear that we have not expressed any opinion on the merits of the matter and this order is being passed without prejudice to the rights and contentions of both the parties.

The writ petition is disposed of.

CM. APPL No.30601(stay)

The application stands disposed of in view of above.

Dasti.

G.S.SISTANI, J

CHANDER SHEKHAR, J

SEPTEMBER 07, 2017

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W.P.(C) 7411/2017