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

+ W.P.(C) 8923/2017

SANJAY SHARMA

..... Petitioner

Through Mr. Gyan Prakash, Advocate

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondents

Through Mr. Sri Harsha Peechara, Standing
Counsel with Ms. Vidhi Jain, Advocate
for SDMC.
Mr. Uday Chauhan, Advocate for Ms.
Sunita Bansal, Advocate for respondent
no.2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **26.10.2017**

This is a petition under Article 226 of the Constitution of India filed by the petitioner, who claims to be a regular street vendor. Counsel for the petitioner submits that the petitioner has been vending at the pavement along the boundary wall of the Church, M.B. Road, Batra Hospital Institutional Area, New Delhi. Copies of challans have been placed on record. The complaint of the petitioner is that the officials of the respondents are harassing him and are not allowing him to earn his livelihood.

On the last date of hearing, time was sought by the learned counsel for respondent no.1 SDMC to ascertain the factual position. Today Mr. Peechara, learned Standing Counsel for respondent no.1 submits that the petitioner is not following the norms of the SDMC. It is submitted that the petitioner has erected a temporary structure, which is beyond 6 ft x 4 ft. He also submits that the

footpath of the Church area is being encroached which is obstructing the free flow of traffic and free movement of pedestrians. Mr. Peechara has handed over photographs in Court and also drawn the attention of the Court to the photographs filed on page 135 of the paper book.

Mr. Gyan Prakash, learned counsel for the petitioner very fairly submits that the petitioner shall remove any unauthorised construction within three days and that no fresh cooking activities would be carried on by the petitioner and he would only occupy an area of 6 ft x 4 ft open to sky.

Based on the stand taken by the learned counsels for the parties, the present petition is disposed of. It is agreed that in case the petitioner follows the norms of the SDMC, he will not be disturbed as an interim arrangement till the Town Vending Committee is functional. Leave is granted to the SDMC to take any action against the petitioner in case the petitioner violates the norms of the SDMC.

The petition stands disposed of.

CM.APPL 36528/2017 also stands disposed of.

G.S.SISTANI, J

V. KAMESWAR RAO, J

OCTOBER 26, 2017

pst /
W.P.(C) 8923/2017