

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

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Date of decision: 13th December, 2017

+ W.P.(C) 9818/2017, CM No. 39973/2017

SMT. KAMLESH AND KAMLA

..... Petitioner

Through: Mr. Awijit Paliwal, Adv.

versus

S.D.M.C AND ANR.

..... Respondents

Through: Mr. Sri Harsha Peechara, Adv. for
SDMC with Ms. Vidhi Jain, Adv.
Ms. Sweety Singh, Adv. for GNCTD
with S.I. Satender and P.S. Kalkaji

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V. KAMESWAR RAO

G.S.SISTANI, J. (ORAL)

1. Counsel for the petitioner submits that the petitioner has been squatting in the Nehru Place Area for the past two decades. It is further submitted that the case of the petitioner would be covered by the stand taken by the SDMC and as reflected in the order dated 19th September, 2017 passed in the W.P.(C) 6823/2017.

2. Learned counsel for the respondents submit on instructions that the case of the petitioner would also be covered by the stand taken by the SDMC, subject to the petitioner fulfilling the terms as imposed and reflected in the aforesaid order.

3. The following conditions were agreed upon as reflected in the order dated 19th September, 2017 in **W.P.(C) 6823/2017**:

“The matter has been adjourned from time to time. As a purely interim measure, or till such time the order is modified at the instance of either of the parties, 23 petitioners would be permitted to vend, subject to the conditions imposed and as agreed as under:

“1. The petitioners will vend from the site at Nehru Place Complex at the place shown in the site plan on record.

2. The petitioners will restrict the occupied hawking area of their vending to a measurement of 6 ft x 4 ft only.

3. The petitioners will not have more than one temporary helper on any given day to assist them in arranging the goods or for keeping an eye to prevent pilferage and stealing incidents.

4. The petitioners will not permit any other third person to vend at the site in question.

5. The petitioners will not sublet or part with possession of their hawking sites or create any third party interest therein, in any manner whatsoever.

6. The petitioners will not build a pucca structure and the hawking will be carried out in an organized manner and they will maintain peace and harmony.

7. The nature of their hawking will be without prejudice to the contentions of SDMC and that their hawking activities will be from 10:30 AM to 5:30 PM and they shall remove all their belongings after 5:30PM.

8. In case the petitioners violate the aforesaid terms, the SDMC will be at liberty to remove them from the site of temporary squatting without any notice.

We may note that a proposed affidavit was provided by the petitioners to the respondents. After deliberations,

the aforesaid terms have been agreed upon, which we have extracted in this order. It is also agreed that each petitioner will file an affidavit within ten days from today on the above lines. In case the affidavit is not filed, the order would not apply to the said petitioner(s). As agreed, on the petitioners filing the affidavits, they would be allowed to vend at the site shown in the site plan (page 90 of the petition), subject to minor variations.”

4. Accordingly, upon the petitioner fulfilling the aforesaid conditions, the petitioner would be allowed to vend within three days thereafter.

5. As prayed the present writ petition is disposed of. Counsel for the petitioner submits that he would remain bound by the final decision taken in the case of *Premvati and Ors. (supra)*.

Dasti.

CM No. 39973/2017

The application is disposed of in view of the order passed in the writ petition.

G.S.SISTANI, J

V. KAMESWAR RAO, J

DECEMBER 13, 2017/aky