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

+ W.P.(C) 867/2018

NAND KISHOR & ORS

..... Petitioners

Through Mr. Ashok Chhabra, Mr. Kartickay
Mathur & Mr. Sanket Gupta, Advocates.

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through Mr. Tushar Sannu, Advocate for NDMC.
SI Rakesh Kumar, P.S. Kotwali.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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08.05.2018

1. Six petitioners have filed the present writ petition. The petitioners claim to be regular street vendors and are vending adjacent to the wall of Shanti Desai Sports Club, S.P. Mukherjee Marg, Near Old Delhi Railway Station, Kodia Pul, Delhi. Fearing threat of dispossession has led to filing of the present writ petition.
2. Counter affidavit has been filed by NDMC. Para-5 of the counter affidavit reads as under :

“5. That it is pertinent to mention that in memo of parties in W.P. (C) No.867 of 2018 that petitioners No.1 to 3 are recorded regular tehbazari holders and proposed not to be shifted for the time being. However, the petitioner No.4 is not the recorded tehbazari holder, however, his father late Sh. Raja Ram is the recorded Tehbazari Holder and subject to the submission of application for effecting change of hand/transfer in the category of blood relation, his request for retention can be considered subject to fulfilment of all the requirements

as per policy. Petitioner No.5 Rahilla Begum and Petitioner No.6 in the said writ petition are not the recorded tehbazari holders and thus not entitled for any protection or relocation at the site in question.”

3. Counsel for the respondent submits that there is no proposal to shift petitioners no.1 to 4. However, petitioners no.5 & 6 are not the recorded Tehbazari holders.
4. Mr. Chhabra, learned counsel for the petitioners submits that in view of the stand taken, the present writ petition may be disposed of and further leave be granted to petitioners no.5 & 6 to produce all the necessary documents before the MCD to enable the MCD to take final decision in the matter.
5. As prayed, the writ petition is disposed of binding the respondent to the statement made in the Court and the stand taken in the counter affidavit. Petitioners no.5 & 6 will submit relevant documents to the MCD to enable the MCD to take decision in the matter. As far as petitioner no.4 is concerned, it is not disputed that upon demise of his father, his name is yet to be substituted, although, he has filed the documents before the MCD. The MCD shall consider his case in line with petitioners no.1 to 3, as the father of petitioner no.4 was a regular Tehbazari holder.

CM APPL 3677/2018

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

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

MAY 08, 2018/ck/

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