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

+ **W.P.(C) 2589/2018**

RAM PRAKASH @ PRAKASH Petitioner

Through: Mr.Ramesh Kumar Mishra, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through: Ms.Renu Gupta, Standing Counsel for
respondent/NDMC.

Mr.Madhu Sudan Bhayana, Advocate
for respondent no.2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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31.10.2018

CM APPL. 13540/2018 (*under Order I Rule-10 CPC*)

This is an application filed on behalf of the petitioner seeking impleadment of Bunglow Road Jawahar Nagar Traders Association (Regd.) as a party/respondent no.3.

The prayer made in this application is not opposed. Accordingly, the application is allowed. Bunglow Road Jawahar Nagar Traders Association (Regd.) is impleaded as a party/respondent no.3.

The application stands disposed of.

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The petitioner claims to be a regular street vender and was vending in front of Shop No.13-UB, Bunglow Road Market, police station Maurice Nagar for the past many years.

Mr. Mishra, learned counsel for the petitioner submits that in a Writ Petition (C) No.7827/2017, *Bunglow Road Jawahar Nagar Traders*

Association (Regd.) vs. North Delhi Municipal Corporation of Delhi & Ors., this court had directed the MCD to remove the illegal hawkers and vendors and under the garb of the order passed by this Court, the petitioner has been removed.

Learned counsel appearing for respondent/North Delhi Municipal Corporation (North DMC) submits that area in question is a 'no hawking no vending' zone and uniform action has been taken to remove all the illegal vendors.

Mr.Mishra, learned counsel submits that Traders Association had approached this Court after street vendors had declined to pay them rent for occupying the area outside their shops and in connivance with the local authority, the street vendors had been removed.

Learned counsel for respondent/North DMC and Traders Association submit that North DMC when the matter was listed before Court, action for removal of illegal and unauthorized vendors had already been taken and an affidavit to this regard was filed, which is denied by Mr.Mishra, learned counsel.

We have heard learned counsel for parties.

We may note that the Writ Petition (C) No.7827/2017 was disposed of with the following order:

“By the present writ petition the petitioner Association had sought a direction to the respondents to remove the illegal encroachment from the road, pavements and parking space of Bungalow Road, Jawahar Nagar Market area, Delhi.

Learned counsel for the petitioner submits that the present writ petition be disposed of binding the respondent No. 1/ North Municipal Corporation of Delhi (North MCD) to the statement made and the affidavit filed that illegal and unauthorised squatters will be and have been removed.

Learned counsel for the NDMC submits that in order to keep the area free from illegal encroachers the local police may also be directed to render necessary assistance as and when the drives are conducted.

We accordingly direct that local police to grant assistance to North MCD for the said purpose as and when required.

Writ petition is disposed of.

CM APPLN. Nos. 42317-18/2017, 43082/2017, 43137/2017 and 43558/2017

These applications have been filed by the street vendors who have been removed by action taken by the respondent No. 1. Learned counsel for the applicants submits that the order passed today should not come in the way of applicant in filing independent writ petitions.

Heard.

We make it clear that that the order passed in the writ petition will not come in the way of the applicants if they choose to file independent writ petition (s) in accordance with law and subject to the condition that they are able to establish a right to squat at the area in question.

All applications are disposed of, as prayed.”

A reading of aforesaid order would show that post filing of the writ petition, the North DMC had taken action on their own and not after any specific order passed by this Court.

We expect from North DMC to take uniform action and not single out any person including the petitioner herein.

With these directions, the writ petition is disposed of.

Dasti.

G.S.SISTANI, J

JYOTI SINGH, J

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