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

+ **W.P.(C) 4104/2018**

AVTAR SINGH AND ORS.

..... Petitioners

Through: Mr. Rama Shankar, Mr. Sandeep
Vyas and Mr. Saurabh, Advs.

versus

**NORTH DELHI MUNICIPAL CORPORATION AND
ORS.**

..... Respondents

Through: Mr. Mukesh Gupta, Standing Counsel
with Ms. Sahshi Gupta, Advs. for
NDMC with Mr. Vijender Gupta,
Section Officer / L&E NDMC and
Mr. Sanjay Mathur, DA/S.P. Zone,
North DMC.
Mr. Sanjay Dewan and Ms. Palak
Rohmetra, Advs. for R2.
Mr. Rajesh Kumar Gogna, CGSC for
R3 and R4.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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01.05.2018

Present petition has been filed by the petitioners with the following
prayers:

*“In view of the above it is therefore most respectfully prayed
as under:*

- i. The Writ of Mandamus or any other Writ or directions may
kindly be issued in favour of the petitioner and against the
respondent thereby quashing the letter dated 16.04.2018
issued by the respondent to the petitioner thereby directing
the petitioners to vacate the premises and hand over the*

- possession.*
- ii. *The Writ of Mandamus or any other appropriate Writ or directions may kindly be issued in favour of the petitioner and against the respondent thereby restraining the respondent from forcibly dispossessing the petitioners.*
 - iii. *Any other relief which this Hon'ble Court may deems fit and proper may kindly be passed in favour of the petitioners and against the defendant."*

Mr. Mukesh Gupta, learned Standing Counsel appearing for the respondent / SDMC has filed the counter-affidavit in the Court and the same is taken on record. Paras 8 and 9 of the counter-affidavit reads as under:

"8. That in the process of the movement of the file and before final sanction / approval of the proposal, the Zonal Department at City & S.P. Zone, North DMC was also asked to find out as to whether there was any site available in the vicinity for the temporary relocation of the licensees of the tharas, however, the concerned department had reported that no space is available in Sadar Bazar Area whereas some spaces are available on Mata Sundari Road near Bal Bhawan, New Delhi – 110002, for their temporary relocation.

9. That as per the above said details, it has been decided that after completion of the construction work at Property No. 1234, Sadar Thana Road, Delhi – 110006, the licensees of the "Tharas" will be relocated on the ground floor of the building."

Mr. Gupta states, temporary relocation of the petitioners to the open space at Mata Sundari Road shall be effected within 20 days from today subject to the petitioners proving their identities. Mr. Rama Shankar, learned counsel appearing for the petitioners state, they shall cooperate with respondent no.1 for their temporary relocation to Mata Sundari Road. He

also states, the aforesaid shall satisfy the grievance of the petitioners in this case and the petition be disposed of. Ordered accordingly.

CM No. 16154/2018

Dismissed as infructuous.

A copy of this order be given *dasti* to both the parties.

V. KAMESWAR RAO, J

MAY 01, 2018/jg