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

+ W.P.(C) 12169/2016, CM Nos. 8886/2018, 20859/2018

RAJ KUMAR AND ORS

..... Petitioners

Through: Mr N.K. Sahoo and Mr S.B. Sahoo,
Advs

versus

NEW DELHI MUNICIPAL COUNCIL AND ORS Respondents

Through: Mr Harsha Peechara, SC, NDMC
with Ms Vidhi Jain, Adv
Mrs Kajal Chander, Ms Prerna
Chopra and Mr Viren Kapur, Adv
for impleader / objector
Mr Devesh Singh, ASC with
Ms Sukriti Ghai, Adv for R-2
ASI Rajpal Singh, PS Sarojini Nagar

+ W.P.(C) 5805/2017

SURESH BABU

..... Petitioner

Through: Mr N.K. Sahoo and Mr S.B. Sahoo,
Adv

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR Respondents

Through: Mr Harsha Peechara, SC, NDMC
with Ms Vidhi Jain, Adv

+ W.P.(C) 6673/2017

SURAJ PAL

..... Petitioner

Through: Mr N.K. Sahoo and Mr S.B. Sahoo,
Adv

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR Respondents

Through: Mr Harsha Peechara, SC, NDMC
with Ms Vidhi Jain, Adv
Mr Devesh Singh, ASC with
Ms Sukriti Ghai, Adv for R-2

+ W.P.(C) 7087/2017

DEVENDER KUMAR

..... Petitioner

Through: Mr N.K. Sahoo and Mr S.B. Sahoo,
Advs

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR Respondents

Through: Mr Harsha Peechara, SC, NDMC
with Ms Vidhi Jain, Adv
Ms Prabhsahay Kaur, Adv for R-2
ASI Rajpal Singh, PS Sarojini Nagar

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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28.05.2018

The petitioners have approached this court and filed writ petitions under Article 226 of the Constitution of India. The petitioners seek a direction to the respondent to allow them to vend at the Sarojini Nagar Market. Mr Sahoo, learned counsel for the petitioners, submits that the names of the petitioners find mentioned in the list of 628 street vendors which was prepared by the NDMC. He submits that the sites from where the petitioners were vending are available but the respondents are not allowing the petitioners to vend. The petitioners also submit that they were removed from their respective sites in the month of February 2016.

Mr Peechara, learned counsel appearing for respondent Nos. 1 and 2 submits that no doubt the names of the petitioners find mentioned in the list of 628 street vendors prepared by the Enforcement Department but the petitioners cannot be permitted to squat and vend at Sarojini Nagar Market as the said market has

reached a saturation point. Mr Peechara also submits that these petitioners are not squatting since the year 2015 onwards. In response to the submissions made by Mr Peechara, Mr Sahoo contends that the petitioners are being singled out while other persons have been allowed to squat and vend in the Sarojini Nagar Market area. Mr Sahoo relies upon the order dated 18.05.2018 passed by the Supreme Court of India in W.P.(C) No. 4677/1985 titled as “*M.C. Mehta vs Union of India & Ors*”. He relies on the statement made by the Additional Solicitor General to the extent that those vendors who come in the day time and return in the evening or at night or who move from place to place will not be disturbed provided they have an authorization or permission for vending at a specific location or who have applied under the 2007 scheme.

Mr Peechara, learned counsel for the respondent, submits that observations so relied upon are being read out of context. He relied upon the concluding para of the order of the Supreme Court of India which reads as under:-

“We have been informed by the learned Amicus that some matters pertaining to street vendors are pending in the Delhi High Court including Janodaya Ekta Samiti (Regd) v. Govt. of NCT of delhil & Ors (being W.P.(C) No. 6622/2015) and other connected matters. We make it clear that our order should not be construed to mean that the High Court is precluded from deciding any aspect of the matter pending before it including the rights of the street vendors as canvassed by learned counsel for

the petitioner.

The applications are disposed of.”

Mr Peechara further submits that having regard to the number of persons already vending in the Sarojini Nagar Market and having regard to the fact that a tragedy had taken place in the past on account of Bomb Blast, the authorities are being extremely careful in not overcrowding the market. He further submits that the petitioners are not being deprived of their livelihood. Repeated offers have been given to them for being accommodated at Laxmibai Nagar Market or any other place which may become available.

We have heard the counsel for the parties. We see no reason to disbelieve the submissions made on behalf of the NDMC that the Sarojini Nagar Market has reached a saturation point. No additional person can be allowed to vend because of threat to life and property as in the past a tragic incident has taken place. Needless to say that in case the petitioners change their mind, they may approach the NDMC for grant of an alternate site. Additionally, the petitioners may be at liberty to approach the TVC as and when it is constituted with all supporting documents. In case, the petitioners approach the TVC with supporting documents, the TVC would consider their case in accordance with law and also consider the fact that in the past they claim to have been vending in the Sarojini Nagar Market and if possible, may be accommodated in the same area.

With these directions, the writ petitions stand disposed of.

**CM No.20859/2018 (direction) & CM No.8886/2018
(impleadment)**

In view of the order passed in the writ petition, the present applications stand disposed of.

Order *dasti*.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

MAY 28, 2018 / SU