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

+ W.P.(C) 11569/2018

AVINASH KUMAR

..... Petitioner

Through Mr. N.K. Sahoo, Advocate

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondent

Through Ms. Meena Sharma, Advocate for SDMC.
Mr. R.K. Agnihotri, Advocate for
respondent no.2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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26.10.2018

This is a petition under Article 226 of the Constitution of India filed by the petitioner. The petitioner claims to be a regular street vendor and vending at Green Park Main Market for the last 18 years. Having been removed on 19.06.2018 has led to the filing of the present writ petition.

Mr. Sahoo, learned counsel for the petitioner submits that the petitioner had filed an earlier writ petition being W.P.(C).1129/2016, which has been disposed of by an order dated 12.02.2016. He further submits that since the order is not being complied with, he has filed a contempt petition under Section 11 and 12 of the Contempt of Courts Act, 1971, which is pending.

Ms. Sharma, learned counsel for the SDMC who enters appearance on an advance copy submits that a second writ petition seeking the same relief, which was sought in the earlier writ petition, would not be maintainable. Counsel for the respondent submits that the petitioner is occupying public land and

obstructing the free movement of traffic and pedestrians and carrying out the business of uncut fruits. Thus, he cannot be permitted to carry out the squatting activities. Mr. Sahoo, learned counsel for the petitioner submits that he seeks status quo ante.

In our view, since an earlier writ petition seeking the same relief has already been decided and a contempt petition against the same is pending, the present writ petition is not maintainable. We make it clear that we have not expressed any opinion on the merits of the matter.

The writ petition is dismissed.

CM.APPL 44771/2018 also stands dismissed.

G.S.SISTANI, J

JYOTI SINGH, J

OCTOBER 26, 2018

pst /
W.P.(C) 11569/2018