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

+ W.P.(C) 8133/2017

SANJAY KUMAR

..... Petitioner

Through Mr. Sanjay Baniwal, Advocate

versus

COMMISSIONER OF POLICE & ORS

..... Respondents

Through Mr. Mohit Agarwal, Advocates for
respondents no.1, 3 & 4.

Mr. Sri Harsha Peechara, Standing
Counsel with Ms. Vidhi Jain, Advocate
for SDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **17.05.2018**

The petitioner claims to be vending from the wall near S-Block, Mother Dairy, Panchsheel Park, Malviya Nagar, New Delhi falling under P.S. Malviya Nagar, New Delhi. Having been removed by the officials of the respondents, has led to the filing of the present petition.

Mr. Peechara, learned counsel appearing on behalf of respondent no.2 SDMC had brought it to the notice of the Court that primarily since the petitioner was cooking food at the stall in question and using a gas cylinder, which is not permitted under the rules of Tehbazari, the petitioner was removed.

Mr. Mishra, learned counsel appearing on behalf of the petitioner, on instructions from his client, states that the petitioner is willing to submit an undertaking that he would not cook food and use a gas cylinder. In addition to the statement made in Court today, on 14.03.2018 the following order was passed:

“Mr. Mishra, counsel for the petitioner submits that the petitioner would not use Gas Cylinder or carry out any live cooking at the site and would also not obstruct the free flow of pedestrians and traffic.

List on 19.04.2018.

Dasti.”

Counsel for the petitioner submits that he has stopped cooking food and is selling only packed food etc. He submits that although he is not being harassed by the officials of the respondent no.2 SDMC, but the officials of the local police continue to harass him. Mr. Mohit Agarwal, counsel who is present in Court disputes the statement. Additionally, he submits that he would ensure that the officials of the respondent no.1 do not harass the petitioner as long as the petitioner complies the Tehbazari norms and does not violate the undertaking.

For the reasons afore-stated, the petition as agreed, is disposed of.

CM.APPL 33421/2017

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

CM.APPL 2295/2018

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

CM.APPL 4627/2018

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

CM.APPL 4628/2018

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

Dasti.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

MAY 17, 2018/pst /
W.P.(C) 8133/2017