

\$~19

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

+ W.P.(C) 10738/2019 & CM APPL. 44396/2019 (stay)

PRAVEEN KUMAR AND ORS. Petitioners
Through Mr. N.K. Sahoo, Mr. S.B. Sahoo,
Advocates.

versus

NORTH DELHI MUNICIPAL CORPORATION
AND ORS. Respondents
Through Ms. Namrata Mukim, Ms. Kashpi
Agarwal, Advocates for R1/North
MCD

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER
10.10.2019

%

1. The present petition has been filed by sixteen petitioners stating *inter alia* that they are legally squatting at different sites within Kamla Nagar market area, which falls within the territorial jurisdiction of the respondent No.1/Nr.DMC. The relief prayed is for issuing directions to the respondent No.1//Nr.DMC and the local police not to disturb the petitioners from their respective squatting sites.

2. Learned counsel for the respondent No.1/Nr.DMC, who appears on advance notice submits that out of the sixteen petitioners, petitioners No.1,2,3,12,13,14 & 15 had already approached the High Court by filing a writ petition [W.P.(C) 12218/16] for the same relief, which was disposed of vide order dated 14.09.2017 alongwith other similar petitions. A copy of the

order dated 14.09.2017 has been annexed with the petition at page-45. We may note that the captioned writ petitions were disposed of by a consent order whereunder the petitioners therein were directed to approach the TVC as and when it is constituted and becomes functional and the TVC was directed to dispose of their cases in accordance with law. It was also observed that merely because the petitioners were not found vending at the respective sites when the survey is conducted, would by itself not be a ground for rejecting their case.

3. Learned counsel for the respondent No.1/Nr.DMC states that the petitioners No.4,5,6,7,8,9,10,11 & 15 had also approached the High Court by filing separate writ petitions that were disposed of vide order dated 05.01.2018, where similar directions were issued as referred to here-in-above. She states that in the teeth of the aforesaid orders, the present writ petition, which is nothing but a reiteration of the averments made in the earlier writ petitions, is not maintainable. She states on instructions that the TVC of the area is now functional and if the petitioners have any grievance, it is for them to approach the TVC.

4. At this stage, learned counsel for the petitioners states that the respondent No.1/Nr.D.M.c. is violating an order dated 02.09.2018, passed by the Supreme Court in W.P.(C) 13029/1985 titled as M.C. Mehta Vs. Union of India and his clients reserve their right to approach the Supreme Court for initiating appropriate action against them.

5. We are not inclined to entertain the present petition in the light of orders passed by a co-ordinate Bench in earlier petitions filed by the petitioners. They are at liberty to pursue their remedies before the TVC

and/or approach the Supreme Court, as may be advised. The present writ petition is disposed of alongwith pending application.

HIMA KOHLI, J

ASHA MENON, J

OCTOBER 10, 2019/MK/s