

\$~4

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

+ W.P.(C) 2090/2019 & C.M.Appln.9770/2019 (for interim relief)

CHANDRA SHEKHARJHA Petitioner

Through: Mr. Rahul Kumar and Ms. Kriti
Kumari, Advocates

versus

COMMISSIONER OF POLICE & ORSRespondents

Through: Mr. Abhinav Singh and Ms. Mannu
Singh, Advocates for respondent No.1/Delhi
Police with SI Pankaj Dhatarwal
Mr.Paras Anand and Mr. Junaid Qureshi,
Advocates for respondent No.2/SDMC

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

%

20.11.2019

1. The petitioner has filed the present petition praying *inter alia* that the respondent No.1/Delhi Police, respondent No.2/SDMC and respondent No.3/GNCTD be restrained from removing him from a site where he is squatting i.e. under a Peepal Tree, near Vedant Desika Mandir Marg, Ber Sarai, Near DDA Market Ber Sarai, New Delhi, since the year 1999.

2. A short affidavit has been filed by the respondent No.2/SDMC stating *inter alia* that the petitioner is illegally squatting at the site in question and is liable to be removed in terms of an order passed by the High Court in W.P.(C) 4999/2017, entitled Manu Mishra v. Govt. of NCT of Delhi & Ors.

and that regular action is being taken to remove encroachers from the site in question. The Status Report further states that the petitioner is neither an authorized Tehbazari Holder, nor an eligible squatter as per the records and he is illegally carrying out the trade of selling pan, cigarettes, *biri*, etc., from the site.

3. Learned counsel for the respondent No.2/SDMC states that in any event, now that the Town Vending Committees (TVC's) have been constituted under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, it is for the petitioner to approach the TVC of the area for appropriate relief.

4. For the reasons stated hereinabove, we are not inclined to entertain the present petition, which is disposed of with liberty granted to the petitioner to approach the TVC for seeking appropriate relief, after the survey of the area is conducted. Needless to state, if the petitioner submits a representation, the TVC shall consider and decide the same on merits, notwithstanding the fact that the petitioner may not be found vending at the site in question during the survey, as long as he is in a position to substantiate his claim that he was vending at the site in question, on the basis of the documents that might be in his possession.

5. The petition is disposed of alongwith the pending application.

HIMA KOHLI, J

ASHA MENON, J

NOVEMBER 20, 2019/s

W.P.(C) 2090/2019

Page 2 of 2