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

+ W.P.(C) 4823/2019

ACHEY LAL GUPTA

..... Petitioner

Through Mr. Rishab Kaushik, Mr. Garv
Malhotra, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through Mr. Sri Harsha Peechara, ASC
(NDMC) with Mr. Aditya Vikram
Singh, Ms. Kriti Sinha, Advocates.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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27.08.2019

1. The petitioner seeks directions to the respondent /NDMC to permit him to squat at a site opposite Bank of Baroda, adjacent to a public toilet on Janpath Lane, New Delhi till he is allotted a site by the Town Vending Committee (TVC).
2. On enquiring from the learned counsel for the petitioner as to whether the petitioner was allocated any *tehbazari* space earlier, he states that in the year 2012, the respondent/NDMC had called upon the petitioner to furnish some documents for allotment of a *tehbazari* site, which he did. Thereafter on 29.01.2013, the respondent/NDMC had issued a letter to the petitioner granting him a license and raising a demand on him for paying registration charges on a monthly basis but according to him, the said amount could not be deposited because the respondent/NDMC had refused to accept payment.
3. Mr. Peechara, learned Standing Counsel for the respondent/NDMC

states that in view of an order passed by the Supreme Court, the entire process of allocating sites on the basis of draw of lots had to be scrapped and the matter could not be taken further.

4. That the petitioner has not been squatting at the site opposite Bank of Baroda adjacent to public toilet in Janpath Lane, New Delhi, is borne out by the averments made in the writ petition itself that on 22.06.2016, he had been removed by the respondent/NDMC from the site in question.

5. We have next enquired from the learned counsel for the appellant whether his client has filed an application before the TVC since constituted under the Street Vendors (Protection of Livelihood and Regulations of Street Vending) Act, 2014. He states that no such application has been filed and that the TVC is not even functioning.

6. Learned counsel for the respondent/NDMC states that the TVC of the area has been constituted, though two vacancies have yet to be filled-up, for which the process of conducting the Bye-election shall be completed by the end of October, 2019.

7. In view of the aforesaid facts and circumstances, we decline to entertain the present petition. However, liberty is granted to the petitioner to approach the TVC by filing an appropriate application alongwith the supporting documents for his case to be considered alongwith others, after a survey of the area is conducted.

HIMA KOHLI, J

ASHA MENON, J

AUGUST 27, 2019/MK/s