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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 8431/2019, C.M. Appl. No. 34841/2019
AMAR NATH JHA AND ORS.

..... Petitioner

Through: Mr. Ramesh Kumar Mishra, Mr.
Mithilesh Kumar Jaiswal, Advocates

versus

NORTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondent

Through: Ms. Mini Pushkarna, Standing
Counsel for North DMC with Ms.
Shiva Pandey, Ms. Khushboo Nagar,
Ms. Swagata Bhuyan, Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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12.12.2019

1. Appearance is entered by learned counsel for the Delhi Police. No counter affidavit has been filed by the Nr. DMC. Ms. Pushkarna, learned counsel for the respondent/Nr.DMC states that the counter affidavit is ready and she has furnished an advance copy to the learned counsel for the petitioner. The counter affidavit is taken on record.

2. Mr. Mishra, learned counsel for the petitioner states on fresh instructions that though all the 17 petitioners have assailed the order

dated 01.07.2019 passed by the respondent No. 1/Nr.DMC, whereunder 54 persons have been directed to shift their Tehbazari from Ajmal Khan Road to alternate sites, the petitioners are nevertheless willing to shift to the alternate sites suggested in the Circular dated 01.07.2019, or any other feasible site, on the same lines as was directed by this court vide order dated 11.07.2019, passed in WP (C) No. 7259/2019 entitled, “Shyam Kapoor and Others vs Nr.DMC”, where the very same Circular dated 01.07.2019, had been assailed.

3. Ms. Pushkarna, learned counsel for the respondent No. 1/Nr.DMC submits that the Department is willing to issue similar orders as passed in the captioned writ petition, which would require the petitioners to appear before the Assistant Commissioner/Deputy Commissioner, Karol Bagh Zone with the relevant documents for verification and immediately upon verification within a fixed time line, they shall be relocated either in terms of the Circular dated 01.07.2019 or to any other feasible site in terms of a site plan that will be prepared and handed over to each one of them.

4. In view of the submissions made hereinabove, with the consent of the parties, the present petition is disposed of with the following directions:

- i) Each of the petitioners shall appear before the Assistant Commissioner/Deputy Commissioner, Karol Bagh Zone at the address mentioned in the Circular dated 01.07.2019 alongwith all the relevant documents in their

power and possession, as directed, on 16.12.2019 at 10 AM. The said documents shall be verified in accordance with the procedure prescribed in this regard.

- ii) Once the petitioners satisfy the respondent No. 1/Nr.DMC on producing the original allotment letters, etc, as demanded, they shall be intimated the specific site allocated by way of a dated site plan to enable them to relocate to the said site.
- iii) The petitioners shall proceed to the site in question within 24 hours from the date of receiving the site plan from the respondent No. 1/Nr.DMC, duly endorsed with the date and time. Officers of the Nr.DMC and the local police shall ensure that there is no hindrance in the relocation of the petitioners to the sites as mentioned in the site plan.

5. In the event any of the petitioners fail to turn up before the Competent Authority on the date and time fixed above, respondent No. 1/Nr.DMC shall be at liberty to proceed against them in terms of Circular dated 01.07.2019.

6. It is made clear that as far as determination of the Tehbazari rights of the petitioners are concerned, they would be at liberty to approach the TVC with all the supporting documents. The TVC will consider their cases in accordance with law and while doing so, the claims of the petitioners will not be rejected solely on the ground that due to their being relocated to alternative sites they were not found

vending at the existing sites on Ajmal Khan Road, at the time of conducting the survey.

7. The writ petition is accordingly disposed of on the above terms alongwith the pending applications.

8. Copy of this order be given to the learned counsel for the parties **DASTI**, under signatures of the Court Master.

HIMA KOHLI, J

ASHA MENON, J

DECEMBER 12, 2019

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