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

+ **W.P.(C) 9098/2019**

DEEPAK GUPTA

..... Petitioner

Through Mr. N.K. Sahoo, Mrs. S.B. Sahoo,
Advocates.

versus

**NEW DELHI MUNICIPAL COUNCIL THROUGH ITS
CHAIRMAN**

..... Respondent

Through Mr. Sri Harsha Peechara, ASC with
Ms. Kriti Sinha, Mr. Aditya Vikram
Singh, Advocates for New Delhi
Municipal Council.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **23.08.2019**

1. The present petition has been filed by the petitioner stating *inter alia* that the respondent/NDMC is in breach of the order dated 20.09.2018 passed in an earlier writ petition filed by him, registered as W.P.(C) 8663/2018. We may note, at the outset, that no fresh writ petition would lie on account of non-compliance of an order passed in an earlier petition. If the petitioner had a grievance, he ought to have sought recourse against the respondent, for breach of the order dated 20.09.2018, in accordance with law.

2. Be that as it may, since the petitioner states that he is a hawker and we do not want him to run from pillar to post, we have enquired from learned counsel for the respondent/NDMC, who appears on advance notice, as to

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whether compliance of the orders dated 20.09.2018 was made, by deciding the representation submitted by the petitioner within a period of four weeks as directed vide order dated 20.09.2018. Mr. Peechara, learned counsel for respondent/NDMC concedes that the petitioner's representation was not decided and seeks to explain the inaction on the part of the respondent/NDMC by stating that elections to the Town Vending Committee (TVC) was conducted in the end of August, beginning of September, 2018. As a result, the NDMC has forwarded all the pending applications/representations etc. made by hawkers/squatters to the TVC for a decision. On inquiry as to whether the respondent/NDMC had intimated the petitioner about the decision if any taken by the TVC, he states that he is not aware of the status of the petitioner's representation.

3. We are of the opinion that when there was a specific order passed on 20.09.2018, calling upon the respondent/NDMC to consider the representation of the petitioner within a fixed timeline, then appropriate orders ought to have been passed by the respondent/NDMC within the said timeline. The respondent/NDMC cannot be heard to state that the petitioner's representation had been forwarded to the TVC and that too without informing him in advance.

4. Learned counsel for respondent/NDMC further informs us that the TVC is not functioning as on date because there are two posts vacant which have yet to be filled up by conducting elections. That being the position, the respondent/NDMC ought to have decided the petitioner's representation in terms of the order passed almost one year ago.

5. Last opportunity of two weeks is granted to the respondent/NDMC to take a decision on the petitioner's pending representation under written intimation to him. If the petitioner is aggrieved by the said decision, he would be entitled to seek legal recourse by approaching the TVC.
6. The petition is disposed of.

HIMA KOHLI, J

ASHA MENON, J

AUGUST 23, 2019/acm