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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 11250/2019 & C.M. APPLs.46322-46323/2019
SMT. RANI Petitioner

Through: Ms. Monika Sharma, Advocate

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) Respondent

Through: Mr. Harsh Peechara, ASC with Mr.
Ashish Tiwari, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **22.10.2019**

1. The petitioner seeks a direction to the respondent/NDMC to transfer the vending site in front of shop No.114, Babu Market, Sarojini Nagar, New Delhi in her favour upon the death of her husband on 19.05.2019.
2. Learned counsel for the petitioner contends that the petitioner's husband was granted protection under the Court order dated 25.05.2011 and was permitted to continue squatting at the vending site in question till the 2007 Scheme of allotment of the vending sites is implemented by the respondent/NDMC. Unfortunately, the petitioner's husband expired on 19.05.2019. On 20.08.2019, the petitioner had submitted a representation to the respondent/NDMC praying *inter alia* that her name be substituted in place of her deceased husband/Sh. Sanjay in respect of the vending site. But, despite repeated representations made by the petitioner, the respondent/NDMC has not taken any decision. A copy of the representation dated 20.08.2019 submitted by the petitioner, has been enclosed with the present petition and marked as Annexure P-3.

3. Mr. Peechara, learned Additional Standing Counsel appearing for the respondent/NDMC, who appears on advance notice, states that the petitioner has not filed any document to demonstrate that her husband was lawfully entitled to squat at the vending site in question nor has any challan been filed alongwith the present petition. He states that even otherwise, no person by the name of Sanjay was ever found squatting in front of shop No.114, Babu Market, Sarojini Nagar, New Delhi.

4. We have enquired from learned counsel for the petitioner if any documents were filed in support of the representation dated 20.08.2019. She states that she is not in a position to make any submission in this regard.

5. The petitioner is permitted to file a substantive representation alongwith all the relevant documents in support of her plea that her husband had been permitted by the respondent/NDMC to squat at the site in question. Needful shall be done within four weeks from today. Upon receiving such a representation, the respondent/NDMC shall consider the same in the light of the documents, if any, enclosed therewith and pass a speaking order within four weeks therefrom, under written intimation to the petitioner and/or her counsel.

6. The present petition is disposed of alongwith the pending applications.

HIMA KOHLI, J

ASHA MENON, J

OCTOBER 22, 2019/s