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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 01 November, 2019

+ W.P.(C) 11264/2017

PARVEEN KUMAR Petitioner
Through: Mr. I.C. Mishra, Adv.

versus

MR. (DR.) UDIT RAJ AND ORS. Respondents
Through: Ms. Yashmi Sehgal and
Mr. Amit Kumar Singh, Advs. for R-1
Ms. Monika Arora, Mr. Kushal Kumar and Mr.
Akashdeep Gupta, Advs. for R-Nr.DMC
Mr. Satyakam, ASC-GNCTD/R-3 to 5 with Mr.
Sumit Kumar, SJ
Mr. N.K. Sahoo, Adv.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
01.11.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 11264/2017

1. This Public Interest Litigation has been preferred with the following prayers :

*“It is therefore most respectfully prayed that this
Hon’ble Court may kindly please to issue a writ in nature*

of prohibition mandamus or as may be appropriate with directing the respondents to stop the distribution of token to illegal/unregistered vendors by respondent No.1 and distributed token by respondent No.1 should be cancelled/quashed which has distribute without any authority and respondent No.1 directed not be repeated in future the same with appropriate direction and respondent No.2 and 3 also be directed to take the action against the respondent No.1- accordance with law and respondent No.4 and 5 should be directed to vigil the concern area which can be kept free from all incumbrances and illegal activities as mentioned which fall within the ambit of law and order be maintained properly by respondent No.3

Any other fit and proper direction also be passed in favour of petitioner and against the respondents in interest of justice, prayed accordingly. ”

2. Having heard counsel for both the sides and looking to the facts and circumstances of the case, it appears that this petitioner has ventilated grievances about the tokens distributed by the Respondent No.1 to the nine street vendors for continuation of the illegal encroachment on the public road.

3. Looking to the counter affidavit filed by the Respondent No.1 especially paragraph 2(c) it appears that there is a misconception in the mind of this petitioner about the recovery of the money and distribution of the token for continuation of the encroachment.

4. For ready reference, paragraph 2(c) of the counter affidavit filed by the Respondent No.1 reads as under :

“2(c) That, due to bona-fide attempt of Respondent No-1 whereby Respondent herein decided to persuade all the concerned authorities for non-implementation of the law and non-constitution of Town Vending Committee, and also for put an end to the confusion and bring about clear rules and regulations, policies and programs laid in the Protection of Livelihood and Regulation of Street Vending Act 2014 and Town Vending Committee, initiated and started perusing this issue before the competent authorities and demand/ request to make legitimate and systematic process to secure their rights, interest and protection of livelihood. To take up this cause on the request of the various committees and vendors Respondent No-1 become Patron of a Society namely "Rehadi Patri Majdoor Parisangh" (hereinafter referred to as "RPMP") constituted with an object and aim of making these vendors aware about their rights and for their welfare, protection of livelihood, and the said society with a view to safeguard their rights & interest by making those vendors, who are almost doing their business since last 8 to 10 years, so that as per provisions of law the matter could be persuaded before the concerned authorities.”

5. In view of the aforesaid submissions by the Respondent No.1, it appears that the token distributed has nothing to do with the recovery of the money and the continuation of the illegal encroachment on the public road.

6. Moreover, looking to the affidavit filed by Respondent No.3-Delhi Police in paragraph no. 7 thereof, it has been observed that the matter has been referred to the concerned police station and no token has been recovered. For the ready reference, paragraph 7 of the counter affidavit filed by the Delhi Police reads as under :

“7. In the aforesaid facts and circumstances, it is emerged that respondent no.1 has distributed the metal tokens to unauthorised vendors in the area of Sector-20 Rohini, Delhi through the owner of Muskan Tent House, Sector-20, Rohini, Delhi and other co-workers. However, during enquiry, the said metal token could not be recovered from the unauthorised vendors. The case is being referred to the jurisdictional Police Station for necessary action in accordance with law and action would be taken by Police Station Aman Vihar, falling within its jurisdiction. The deponent shall abide by any order or directions passed by this Hon’ble Court in this regard. The present short affidavit is being filed only in respect of the police enquiry, detailed affidavit, if necessary will be filed on behalf of Respondent No.3.”

7. In view of the aforesaid submissions, as the Delhi Police has already referred the matter to the concerned police station for necessary action and the statement of various persons have also been recorded, we see no reason to further monitor this case. If any illegality is found out, action will be taken by the respondents in accordance with law, rules, regulations and Government policy against the persons who have committed illegality.

8. With these observations, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

NOVEMBER 01, 2019/kr

