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

+ W.P.(C) 1131/2020 and CM APPL. 3738/2020

MOHD ISRAR

..... Petitioner

Through: Mr. N.K. Sahoo and Ms. S.B. Sahoo,
Advocates

versus

NEW DELHI MUNICIPAL COUNCIL & ANR. Respondents

Through: Ms.Kriti Sinha, Advocate for Mr. Sri
Harsha Peechara, ASC, NDMC for R-1.
Mr. Pankaj Yadav, Advocate for R-2/GNCTD.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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29.01.2020

1. The petitioner has filed the present petition praying *inter alia* for issuing directions to the respondents not to disturb him from squatting opposite Shop No.4, Sarojini Nagar Market, Sarojini Nagar, New Delhi, till a vending certificate is issued in his favour under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

2. As per the averments made in the petition, the petitioner claims that he has been hawking in Sarojini Nagar since the year 2000; that he had a license for hawking ice cream that was valid till 31.03.2018; that he is an existing squatter squatting at the site mentioned in the prayer clause since the year 2008 and that he was recently challaned by the respondents though his name has not been mentioned in the receipt issued on 09.01.2020.

3. Learned counsel for the respondent No.1/NDMC opposes the present petition and states that if the petitioner's version that he has been hawking in the Sarojini Nagar area since the year 2000 is correct, then he ought to have applied for a license under the 2007 Scheme, which he has admittedly not done. She states that even his claim that he is hawking ice cream in terms of a license issued by the NDMC is belied as the said license had expired in the year 2018 and in any case, the said license clearly records that "*fixed site is not allowed*". Therefore, the submission made by learned counsel for the petitioner that the petitioner has been squatting at the particular site under the garb of selling ice cream on a pushcart, is incorrect. Lastly, it is submitted by learned counsel that the petitioner has not placed on record a scrap of document in the shape of any challan issued to him from the year 2000 onwards, except for a couple of challans, which are placed at pages 18 to 22 and are of the years 2017, 2019 and 2020 that can hardly fortify his claim that he has been squatting at the site mentioned in the petition for the past two decades. Even otherwise, it is stated that if the petitioner has a grievance, he ought to have approached the Town Vending Committee of the area.

4. Having perused the present petition, we are not persuaded to issue notice. There is merit in the submission made by learned counsel for the respondent No.1/NDMC that the petitioner has not placed any document on record to substantiate his claim that he has been hawking/squatting in Sarojini Nagar since the year 2000 except for a couple of challans issued in the years 2017, 2019 and 2020 which also do not bear his name (except in the challan issued in the year 2020). Even the license dated 17.12.2015

issued by the respondent/NDMC clearly states that it is for selling ice cream on a pushcart and no fixed site for vending has been allowed.

5. Accordingly, the present petition is dismissed *in limine* alongwith the pending application with liberty granted to the petitioner to approach the Town Vending Committee for relief, in accordance with law.

HIMA KOHLI, J

ASHA MENON, J

JANUARY 29, 2020

Rkb/NA