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

+ W.P.(C) 1770/2020 and CM APPL. 6154-6155/2020

RADHA

..... Petitioner

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

versus

NEW DELHI MUNICIPAL COUNCIL AND ORS..... Respondent

Through: Mr. Sri Harsha Peechara, ASC with
Mr. Aditya Vikram Singh, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **17.02.2020**

1. This is the fourth round of litigation initiated by the petitioner, widow of late Shri Deepak Singh, who had expired on 20.05.2016, claiming that her husband was squatting in front of Shop No.138, Sarojini Nagar Market, New Delhi, and upon his demise, she is entitled to squat at the said site.
2. The first petition filed by the petitioner for the same relief was W.P.(C) 6966/2016 on which an order dated 08.08.2016 was passed by the learned Single Judge in view of the submission made on behalf of the respondent/NDMC that the Town Vending Committee (TVC) of the NDMC had been constituted and the petitioner would be at liberty to approach the TVC.

3. The second writ petition filed by the petitioner, registered as W.P.(C) 8058/2016 was disposed of by the learned Single Judge on 14.09.2016, with an order that since the TVC had since been constituted in the NDMC area, it shall determine the rights of the petitioner on her filing a representation.

4. The third round of litigation was initiated by the petitioner in the year 2019, when she filed W.P.(C) 6703/2019, which was disposed of by this Bench on 07.08.2019, with an order that as soon as the TVC constituted in the NDMC area is functional, her representation shall be considered and decided in accordance with law.

5. Mr. Sri Harsha Peechara, learned counsel for the respondents/NDMC submits that the TVC of the area is functional but a survey of the area has not been conducted so far since the said task was to be undertaken by agencies to be appointed by the Govt. of NCT of Delhi. He submits that in the month of December, 2019, Govt. of NCT of Delhi has taken a decision that the Municipal Corporations shall be at liberty to appoint agencies to conduct a survey in their respective jurisdiction and in that light of the matter, NDMC has written to the Govt. of NCT of Delhi in the month of January, 2020, asking for clarifications to enable it to go ahead. He states that now that the elections of the Legislative Assembly of Govt. of NCT of Delhi have been conducted and the Government is in place, NDMC shall be sending a reminder so that further steps can be taken as expeditiously as possible.

6. In view of the submission made hereinabove, it is reiterated that as soon as the survey of the area is conducted and the TVC has all the material

before it, it shall consider the petitioner's representation and dispose of the same in accordance with law.

7. The petition is disposed of alongwith the pending applications.

HIMA KOHLI, J

ASHA MENON, J

FEBRUARY 17, 2020

rkb/ap