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

+ **W.P.(C) 2465/2023**

RAVINDER SINGH @ MONTY Petitioner

Through: Mr. Niraj Chaudhry, Adv. with Mr.
Amit Rana, Adv. alongwith petitioner
in person.

versus

THE COMMISSIONER MCD AND ORS Respondents

Through: Mr. Tushar Sannu, Standing Counsel
MCD with Mr. Manoviraj Singh, Mr.
Hardik Saxena and Mr. Sandeep
Sharma, Advs. for MCD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

01.04.2024

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1. The petitioner's father was allotted a site described as Shop at Site No. 7/30, Opposite Gali No. 1 & 2, Beadonpura, Karol Bagh, New Delhi. The allotment of the said site was made in the year 2001. The petitioner's father has since expired. There is no dispute that the petitioner is now entitled to the same rights as his deceased father. The mutation *qua* the site in question has also been done in favour of the petitioner. Notwithstanding the same, the petitioner has not been able to operate from the said site. This is because, the said site has been occupied by other persons who continue to do so by virtue of the order dated 01.12.2000 passed by the Hon'ble Supreme Court in Contempt Petition (C) No. 187/2000 in W. P. (C) No. 1699/1987 captioned ***Hawkers Welfare Committee v. S. P. Aggarwal & Ors.***



2. The persons squatting at the site and adjacent thereto, could not be accommodated at any other site, and, therefore, they have now been allotted the site in question. Thus, in effect, the respondent has allotted the same site to two persons, that is, the petitioner as well as another person who was squatting at the site when the allotment was made in favour of the petitioner's father.

3. In the meanwhile, the petitioner has continued to operate from another site described as, "opposite Madan's Showroom, Gali No. 8, Karol Bagh, New Delhi".

4. The petitioner's grievance stems from the fact that he has now been removed from the said site as the same falls in a no vending zone. This Court had noted the aforesaid controversy in the order dated 05.01.2024 and observed that the respondent was required to resolve the problem that has been created by allotting the same site to two persons.

5. Learned counsel appearing for the respondent had fairly stated that the MCD will make all endeavours to address the petitioner's grievance and offer him a separate site. The same was recorded in the order dated 05.01.2024 and the petition was adjourned to enable the MCD to take appropriate steps.

6. The MCD has now filed the status report dated 20.02.2024, which indicates that it has identified the several sites for shifting the tehbazari of the petitioner. It is also stated that one of the sites, as offered by MCD, is acceptable to the petitioner. The learned counsel for the petitioner also confirms that the site described as, "empty space, Block No. 13, WEA, near Shop No. 11/5, Karol Bagh, New Delhi-110005" is acceptable to the petitioner for carrying on his vending activities. It is stated on behalf of the



MCD that the said site is available and will be allotted to the petitioner. However, the allotment procedure would require some time.

7. In view of the above, we consider it apposite to dispose of the petition by directing the parties to complete all formalities regarding allotment of the aforementioned site (Empty space, Block No. 13, WEA, near Shop No. 11/5, Karol Bagh, New Delhi-110005) within a period of six weeks from date.

8. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

APRIL 01, 2024/SA

Click here to check corrigendum, if any