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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8375/2019**
MR. MEKHTIYAR SINGH

.....Petitioner
Through: Mr. Amit Khanna, Mr. Sandeep
Mishra & Mr. Shruv Mishra,
Advocates.

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR.
.....Respondents
Through: Appearance not given.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV
ORDER
% **09.07.2024**

1. The nature of relief prayed for in the instant writ petition would indicate that the petitioner is essentially aggrieved on account of holding of markets on Saturday and Monday.
2. The respondent-Corporation in its counter-affidavit has stated as under:-

"5. That in 2012 due to delimitation of wards, a new ward 96 emerged which comprises of the two above-mentioned wards i.e., no. 125 and 126, now known as Ranjeet Nagar.

6 That Saturday weekly market is also being held since 2007 without any break and General Branch, Karol Bagh Zone, North DMC is collecting weekly market fees in this regard.



7. That due to above circumstances there are three weekly markets in Ward No. 96 now known as Ranjeet Nagar and all three weekly markets running in ward no. 96 are authorized .

8. That in view of the aforesaid submissions, it is clear that the present petition is without any merits. The petition is totally vague and does not show any cause of action in favour of the petitioner.”

3. It is thus seen that in a writ petition under Article 226 of the Constitution of India, the relief may be granted if the petitioner has been able to establish the rights and consequential breach of the corresponding obligations of the respondent-Corporation, which it is otherwise bound to discharge.

4. In the instant case, the market which is stated to be organized on Saturday and Monday is consistently being held for last several years, as stated by the respondent-Corporation. The conventional practice being in uninterrupted operation for several years should not be readily interfered with in writ jurisdiction, unless the same is clearly found to be against fundamental rights or in violation of statutory provisions. Any interference, if at all is required to be made, the same has to be done only when all the stakeholders are party to the dispute.

5. It is thus seen that under the facts of the present case, large number of people are likely to be adversely affected by any order, which may be passed by the Court. Hence, at the instance of the petitioner, who has not been able to establish a case of issuance of such order, no writ can be issued. The Court, therefore, refrains from entertaining this petition and instead grants liberty to the petitioner to take up the issue with the official respondent(s).



3. In view of the aforesaid, the petition stands disposed of alongwith the pending application(s), if any.

PURUSHAINDRA KUMAR KAURAV, J

JULY 9, 2024/DA