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

+ **W.P.(C) 8608/2024, CM APPL. 35272/2024**

PANKAJ PANDEY

.....Petitioner

Through: **Mr. N. K. Sahoo, Advocate.**

versus

NEW DELHI MUNICIPAL COUNCIL AND ANRRespondents

Through: **Mr. Siddharth Thakur, ASC along
with Mr. Yugansh Mittal and Mr.
Apurv Gaur, Advocates for NDMC.**

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **12.09.2024**

1. Issue notice.
2. The learned counsel for the respondent (NDMC) accepts notice.
3. The petitioner has filed the present petition praying that directions be issued to the respondents to allow the petitioner to squat in front of Shop No.46, Babu Market, Sarojini Nagar, G-Avenue, New Delhi-23 (the site), till the survey is conducted and the vending plan is prepared.
4. The petitioner's grievance is that he has been removed from the given site by the shopkeeper. Paragraph 18 of the present petition is relevant and is set out below :-

“18. That On 13th April 2014 the petitioner went back for squatting at the original place of Squatting. He started squatting at about 10.00 O' clock Morning on 13th April 2024 on Saturday. The Shop Keepers owner Mr. Kartik came



forward to remove from the place of Squatting. The Petitioner made a phone call at about 10.08 am in the help line on Phone No 100. The police came to the vending place in front of Shop No.46, Babu Market, Sarojini Nagar, New-Delhi -23. The mobile squad upon arriving on the spot made a call Local Police Beat Constable , Saroji Nagar Mr. Munesh in his phone No 7011125353. In the face of the Police Mr. Kartiki threatened petitioner and did not allow for squatting. At the same time Mr. Kartiki kept two stands/Ring and there hoarding and encroachment outside his Shop. Mr. Munesh called the Area inspector who neither come forward to remove the hoarding and two Stands kept in front of the Shop No 46, Babu Market, Sarojin Nagar New-Delhi-23 for selling Maxi (ladies wears) and other items being displayed out side the Shops nor to quell the emerging situation between the Shop Owner & Squatter. Hence police could not take stock of the situation. Mr. Kamal Kishore also could not take any action latter also.”

5. It is apparent from the above that the petitioner is also aggrieved by the shopkeeper of Shop No.46 encroaching upon the space outside the shop.

6. The learned counsel for the NDMC does not dispute that the petitioner is entitled to vend in the vicinity of the given area on a temporary basis as his name finds mentioned in the list of 628 (six hundred and twenty eight) street vendors that was prepared in the year 2012.

7. He also does not dispute that if any shopkeeper has encroached upon any space at the market, the same is required to be removed.

8. In view of the above, we consider it apposite to dispose of this petition by directing the respondents to ensure that steps are taken for removal of the encroachment, if any and that no street vendor who is not continuously vending since the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 came into force, is permitted to



vend at the site.

9. The present petition is disposed of in the aforesaid terms.

10. The pending application is also disposed of.

VIBHU BAKHRU, J

SACHIN DATTA, J

SEPTEMBER 12, 2024

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