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

+ **W.P.(C) 15707/2024**

MATA PRASAD

.....Petitioner

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

versus

**NEW-DELHI MUNICIPAL COUNCIL
AND ANR.**

.....Respondents

Through: **Mr. Sri Harsha Peechara, SC
with Mr. D.S. Bhanu, Mr.
Akshat Kulshreshtha, Adv. for
R-1/NDMC
Mr. Akash Chatterjee, SPC for
R-2**

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE DHARMESH SHARMA

**ORDER
12.11.2024**

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CM APPL. 65942/2024 (Ex.)

1. Exemption is allowed, subject to all just exceptions.
2. The application is disposed of.

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3. This writ petition has been preferred seeking the following reliefs:-

(a) To issue a writ of mandamus or appropriate writ or direction or order directing the respondents to remove the encroachment in front of /opposite Shop No 122 , Sarojini Nagar Market , New-Delhi-23 since orders dated 17.12.2012 in Writ Petition (Civil) No. 5854/2012 and order dated 01.11.2013 in writ petition No 6927 /2013 passed the Hon'ble Court remain unimplemented by the respondents at the behest of shop keepers who have been enjoying



their permanent unauthorized construction and encroachment despite order dated 06.12.2004 passed in Writ Petition No 4397/2003;

(2) And to pass such other and further order or orders as this Hon'ble court deem fit and proper in the interest of Justice.

4. As would be evident from the record, this writ petition marks perhaps the fourth foray of the writ petitioner before this Court. An earlier writ petition being W.P.(C) No. 5765/2024 had come to be recently disposed of on 25 April 2024 with the following directions:-

“7. There are number of cases filed in the Court by street vendors seeking an order restraining NDMC from interfering or disturbing street vendors in carrying on their vending activities at Sarojini Nagar Market. However, this Court has not acceded to the said prayers in view of the NDMC's stand that Sarojini Nagar market does not have the capacity to hold the number of street vendors who now seek to vend at the said site located at the market or in the vicinity thereof. This Court is also informed that a survey is required to be conducted shortly and in terms of Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, NDMC is required to prepare a vending plan in consultation with the Town Vending Committee. The question of adjusting street vendors at various locations will be considered at the said stage.

8. In view of the above, we consider it apposite to dispose of the present petition with the observation that the petitioner is entitled to participate in the survey. The petitioner would also be at liberty to establish that he has been carrying on vending activities from a site at Sarojini Nagar Market since 1986. Needless to state that the concerned Town Vending Committee shall consider the same at an appropriate stage.

9. The petition is disposed of in the aforesaid terms. Pending applications stand closed.”

5. If it be the case and the allegation of the writ petitioner that the respondents have failed to abide by or implement our directions, his remedy lies in instituting appropriate proceedings in contempt, if so chosen and advised. The filing of the present writ petition is thoroughly misconceived.



6. The writ petition is accordingly dismissed.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

NOVEMBER 12, 2024

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