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

+ **W.P.(C) 16668/2024 & CM APPL. 70470/2024 (Direction)**

**KELLU MUKHIYA**

.....Petitioner

Through: Mr. Kamlesh Kr. Mishra, Ms.  
Shivani Verma and Ms.  
Snigdha Anand, Advs.

versus

**MUNICIPAL CORPORATION OF DELHI AND**

**ORS**

.....Respondents

Through: Ms. Puja Kalra, Standing  
Counsel with Mr. Virendra  
Singh, Adv. alongwith Mr.  
Surender Kumar, L-1 for MCD  
Ms. Avni Singh and Ms. Prapti  
Singh, Advs. for R-3.  
Mr. Jatin Singh, Adv. for R-2 &  
R-3.

**CORAM:**

**HON'BLE MR. JUSTICE YASHWANT VARMA**

**HON'BLE MR. JUSTICE DHARMESH SHARMA**

**ORDER**

**03.12.2024**

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1. We take note of the extensive direction which came to be passed by Division Bench of the Court in **Sh. Kuldeep Singh Sahani & Ors. vs. Government of NCT of Delhi & Ors.** [W.P.(C) 9928/2021] and which read as follows:-

“12. During the course of hearing, both Mr. Dayanand and Mr. Devender Kaushik have stated that the squatters whose goods are being seized, get the same released on the following day by paying a paltry fine in terms of Section 19(2) of The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. In this way, they are able to perpetuate their illegal encroachment in violation of our orders. The purpose of permitting the street vendors – whose goods have been seized under Section 19(1) of the Act, to reclaim the goods after paying such fee as may



be prescribed in the scheme, cannot be to perpetuate – not only an illegality, but also to breach the orders of this Court. Therefore, we direct that whatever goods are seized from hawkers and vendors and/or shop owners, who are found to be illegally hawking, vending or encroaching in Sarojini Nagar market, shall not be released to them without our orders. We also direct the Delhi Disaster Management Authority to make a visit to Sarojini Nagar market forthwith, and to make an assessment of the situation prevalent there in the light of the ongoing pandemic. This order shall be communicated to the DDMA by the SHO PS Sarojini Nagar for information and compliance.”

2. In view of the aforesaid, we dispose of the writ petition according liberty to the writ petitioner to move an appropriate application for relief in that writ petition.

**YASHWANT VARMA, J.**

**DHARMESH SHARMA, J.**

**DECEMBER 3, 2024/RW**