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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7194/2018 & CM APPL. 50050/2019 and CM APPL.
22228/2022

RAMESH KUMAR

.....Petitioner

Through: Mr. Daleep Dhyani, Advocate.

versus

DCP, SOUTH DISTRICT THROUGH THE
COMMISSHIONER OF POLICE AND ORS

.....Respondents

Through: Ms. Puja S. Kalra, Advocate for
R-3/MCD with Mr. Virendra
Singh Advs. with Mr. A.S.Negi,
LI Central Zone, MCD.

SI Talib Khan, P.S.Lodhi
Colony.

Mr. Rishabh Raj Jain, SC for
BSES with Mr. Sharique
Hussain and Ms. Garvita Jain,
Advocates for R-4.

Mr. Rishikesh Kumar, ASC,
GNCTD with Ms. Sheenu
Priya, Mr. Atik Gill, Mr. Sudhir
Kumar Shukla and Mr. Sudhir,
Advocates for R/GNCTD.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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15.10.2024

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

“I. Pass an order directing the respondents more particularly
respondent No. 1 to ensure that Letter dated 21.06.2018 No.



AC/CNZ/192/2018 issued by the Assitant Commissioner SDMC to the DCP, South District, Hauz Khas New Delhi is acted upon in letter and spirit and the area of Sai Baba Temple is completely sanitized of the illegal encroachments of any kind.

II. Pass an order directing the authorities to comply in letter and Spirit the orders of this Hon'ble Court in WP(C) 1511 of 2006 dated 26.09.2007.

III. Pass an order directing respondent BSES to ensure that no electricity connection is granted to the illegal encroachers and those granted shall be disconnected with immediate effect.

IV. Pass an order levying a fine of Rs 1 Lakhs on Respondent No. 1 and Respondent No. 3 each for having failed to keep the area near sai baba temple encroachment free inspite of the same having been cleaned on the directions of the Hon'ble Supreme Court.

V. Pass an order directing the Respondents to undertake a joint encroachment removal drive in the Sai Mandir area at Lodhi Road, New Delhi and ensure that all the illegal enroachments are removed with immediate effect.

VI. Pass an order directing Deputy Commissioner of Police, South District, Hauz Khas, New Delhi to be held personally responsible if in case illegal encroachments take place in the Sai Mandir area at Lodhi Road, New Delhi.

VII. Pass an order directing the respondents to dispose of the representation made by the petitioner to be disposed of in a weeks time.

VIII. Pass any such directions or order that this Hon'ble court deems fit and proper in the facts and circumstances of the above mentioned case.”

2. Undisputedly, the petitioner also holds a vending license on the basis of which he carries on vending activities in the area in question. Insofar as the allegations leveled in respect of squatters is concerned, we take note of the following details which appear in a communication dated 11 March 2019 issued by the erstwhile South Delhi Municipal Corporation and which has been enclosed along with the status report submitted by the **Municipal Corporation of Delhi**¹. The said chart is reproduced herein below:-

¹ MCD



Sl. No	Name	Father/Husband Name	Status
1.	Parmeshwari Devi	Dharampal	She is tehbazari holder allotted at Shiv Mandir Marg, Tughlakabad Extn, but could not be given physical possession by SD MC. Hon'ble High Court directed appellant shall not be disturbed from the place where the appellant is current vending at near Sai Baba Mandir/ Lodhi Road, Delhi.
2.	Pawan Kumar	Bhoop Singh	Slip no. 287038 dt. 10.09.2007 issued under National Vending Policy Scheme 2007.
3.	Raj Kumar	Jagdish Paswan	Slip 294054 dt. 12.09.2007 issued under National Vending Policy Scheme 2007.
4.	Sunita	Kanhaiya	Slip No. 293025 dt. 17.09.2007 issued under National Vending Policy Scheme 2007.
5.	Pradeep	Parasnath	Slip No. 222050 dt. 20.09.2007 issued under National Vending Policy Scheme 2007.
6.	Banarsi Devi	Ram Chandra	Slip No. 348044 dt. 25.10.2007 issued under National Vending Policy Scheme 2007.
7.	Neeraj	Giri Raj	Slip No. 156085. dt. 30.10.2007 issued under National Vending Policy Scheme 2007.
8.	Omwati	Tohfaram (D/o) Rambir (W/o)	Slip No. 120071 dt. 11.09.2007 issued under National Vending Policy Scheme 2007.
9.	Babulal	Gulab Chand	Slip No. 228022 dt. 28.09.2007 issued under National Vending Policy Scheme 2007.
10.	Sharda Devi	Janardhan Sharma	Slip No. 287099 dt. 11.09.2007 issued under National Vending Policy Scheme 2007.
11.	Mangal Mishra	Jagannath Mishra	Slip No. 509091 dt. 14.09.2007 issued under National Vending Policy Scheme 2007.
12.	Chandrapal	Nanhe Singh	Slip No. 523088 dt. 19.09.2007 issued under National Vending Policy Scheme 2007.
13.	Krishna Devi	GirirajSingh (D/o) Giriraj (W/o)	Slip No.15686 dt. 31.10.2007 issued under National Vending Policy Scheme 2007.
14.	Parasnath	Padmeshwardeen	Slip No. 507001 dt. 13.10.2007 issued under National Vending Policy Scheme 2007.



15.	Laldhar Shukla	Swami Nath Shukla	Slip No. 515052 dt. 15.10.2007, issued under National Vending Policy Scheme 2007.
16.	Surender Nath	Ramkishore	Slip No. 376064 dated 12.09.2007, issued under National Vending Policy Scheme 2007.
17.	Shiv Shanker	Ram Sabad	Slip No. 509060 dated 14.09.2007, issued under National Vending Policy Scheme 2007.
18.	Premwati Devi	Suresh Chand	Slip No. 288044 dated 11.09.2007, issued under National Vending Policy Scheme 2007.
19.	Kanhaiya	Munna	Challan receipts dated 27.02.2009, 03.12.2009, 29.10.2009, 24.06.2011, 02.11.2011, 20.11.2012 and protection given by J.P. Singh Court (Appellate Authority) protection under sub 3.
20.	Sunil	Rambir	Challan receipts dated 18.08.2011, & 23.2014 and matter is sub-judice before Hon'ble High Court WPC 994/2018 & CM 4175/2018 Neeraj Kumar & Ors Vs SDMC.
21.	Mangi Lal	Babu Lal	Challan receipts dated 18.08.2011, & 04.08.2018 and matter is sub-judice before Hon'ble High Court WPC 143/2015 & CM NO. 232/2015
22.	Pitram	Hanumana Singh	Challan receipts dated 06.03.2009, 18.08.2011, 11.12.2013, 04.08.2018 and matter is sub-judice before Hon'ble High Court WPC 994/2018 & CM 4175/2018 Neeraj Kumar & Ors Vs SDMC.
23.	Indrabhan Verma	Seetaram Verma	Challan receipts dated 27.02.2009, 09.10.2009, 30.10.2009, 15.01.2010, 10.06.2011, 22.07.2011, 29.07.2011, 18.08.2011, 09.01.2013, 23.07.2014, 24.12.2016, 04.08.2018 and matter is sub-judice before Hon'ble High Court WPC 994/2018 & CM 4175/2018 Neeraj Kumar & Ors Vs SDMC
24.	Udaybhan	Shri Ram	Challan receipts dated 18.08.2011, 04.12.2017 and matter is sub-judice before Hon'ble High Court WPC 994/2018 & CM 4175/2018 Neeraj Kumar & Ors Vs SDMC
25.	Ramesh	Girend Yadav	Challan receipts dated 16.07.2014, and matter is sub-judice before Hon'ble High Court WPC 413/2015 & CM 232/2015, Hawkers's Joint Action Committee Vs LG



			& ors.
26.	Pushpa	Rinku	Documents not submitted by the Vendor
27.	Shanti	Babulal	Documents not submitted by the Vendor

3. Ms. Kalra, learned counsel appearing for the MCD, further apprises the Court that the person whose name appears at Sl. No. 26 of the table extracted hereinabove was also subsequently granted a vending certificate.

4. We are further informed that the individual mentioned at Sl. No. 27 is no longer vending.

5. Ms. Kalra had also drawn our attention to the statement which came to be made before the Supreme Court in **M. C. Mehta vs. Union of India & Ors**² on 18 May 2018 and which consequently protects the vending activities being undertaken by the 27 individuals noted above.

6. In view of the aforesaid, we find no ground to continue this writ petition. It shall stand disposed of.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

OCTOBER 15, 2024/ib

² W.P.(C) 4677/1985