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

Date of Decision: 20th March, 2025

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W.P.(C) 3444/2025

KAMAL RAJ BANSI

.....Petitioner

Through: Mr. Bharat Aggarwal, Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR.Respondents

Through: Mr. Sanjay Sharma, ASC for NDMC
with Mr. Anand Kumar Sharma,
Advocate.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

PrathibaM. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 16157/2025 & 16158/2025 (both for exemption)

2. Allowed, subject to all just exceptions. Applications are disposed of.

W.P.(C) 3444/2025

3. The present petition under Article 226 of the Constitution of India has been filed by the Petitioner – Kamal Raj Bansi, who claims to be a vendor carrying out vending between Gate Nos. 3 and 4, Palika Bazar, Connaught Place, New Delhi for the last several years.

4. The case of the Petitioner is that he has been vending since prior to the enactment of the Street Vending Act, 2014. Reliance is placed upon certain receipts dated back to the year 2007, which are placed on record. The Petitioner had also filed a writ petition being **W.P.(C) 4546/2011** titled **Kamal Raj Bansi v. NDMC & Ors.**, wherein the Court had recognized that



the scheme of the New Delhi Municipal Council ('NDMC') as approved by the Supreme Court would apply to the Petitioners including the present Petitioner. The order dated 01st July, 2011 passed by the learned Single Judge is set out below :-

"They have alleged that the respondents are in the process of disturbing/ dispossessing them from their squatter/ hawker sites. They have also averred that their names are in the eligibility list for being allotted alternate sites by respondent no.1/NDMC.

Learned counsel for the respondent no.1 states that NDMC is in the process of finalizing allotment by draw of plots of squatters/ hawkers in the area of NDMC.

Be that as it may, it is the admitted case of the petitioners that the petitioners who are eligible for allotment of alternate sites are squarely covered by the judgment of this Court in W.P.(C) No.3364 of 2011 titled as Deepak Singh v NDMC & Ors decided on 25.05.2011. The decision of the said case shall apply to all the petitioners who are eligible for allotment of alternate sites and whose names find mention in the list prepared in this regard.

It is submitted by learned counsel for respondent NDMC that the time of squatting as recommended by Thareja Committee and approved by the Hon'ble Supreme Court being "sunrise to sunset" may be directed to be applied to the petitioners. On the other hand, learned counsel for the petitioners submit that the scheme as formulated by NDMC in the year 2006 has already been approved by the Supreme Court in the case of Sudhir Madan and others v MCD & Others 2007(8) SCALE 339 on 17th May, 2007.

Without going into all these details, the scheme of NDMC as approved by the Supreme Court in the aforesaid case shall apply to the petitioners. Till their eligibility as squatters is decided, they shall not be



disturbed or dispossessed from their respective sites.

In W.P.(C) No.4525/2011, it is submitted by learned counsel for the petitioner that in the eligibility list of squatters prepared by NDMC. The name of the petitioner is not mentioned though an application in this regard has been filed by the petitioner with NDMC. Learned counsel for the respondent submits that he will inform the respondent in this respect and necessary action will be taken. That satisfies the petitioner.

These petitions stand disposed of.

Dasti."

As per the above order, the Petitioner was given protection to the effect that he would not be disturbed till the eligibility process is complete and his eligibility is decided.

5. The Palika Bazar was then declared as a non-vending zone and the Petitioner was removed in the year 2021. He has presently filed a representation on 07th March, 2025 seeking allocation of any alternative vending site on a purely temporary basis, as he is part of the 628 vendors, whose names were recognized. His name is stated to appear at serial No. 285 as per the petition.

6. Under these circumstances, this Court is of the considered view that the representation filed by the Petitioner deserves to be considered. The representation be accordingly considered by the NDMC and be decided in accordance with law within a period of two months from.

7. The present petition is disposed of. Pending application(s), if any, also stand disposed of.

**PRATHIBA M. SINGH
JUDGE**



2025:DHC:1866-DB



RAJNEESH KUMAR GUPTA
JUDGE

MARCH 20, 2025/nd/ss