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Ranjit Singh vs.ndmc & Anr

Ranjit Singh vs.ndmc & Anr

SooperKanoon Citation : sooperkanoon.com/1206048

Court : Delhi

Decided On : May-17-2017

Appellant : Ranjit Singh

Respondent : Ndmc & Anr

Judgement :

$~22 to 31, 33, 34, 36 to 39 & 41 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + W.P.(C) 11115/2016 & CMs.APPL434502016 & 9910/2017 Date of Order:

17. h May, 2017 DEVENDER .....

... Petitioner
Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo, Advocates NEW DELHI MUNICIPAL COUNCIL & ANR versus .....

... RESPONDENTS
Through Mr. Sri Harsha Peechara, ASC with Mr. Mananjay Mishra, Advocate for NDMC. Mr. Devesh Singh, ASC with Ms. Jyoti Taneja, Advocate for GNCTD. Mr. Ashish Mohan with Mr. Mohit Kumar, Advocate for Sarojini Nagar Market Association. + W.P.(C) 11190/2016 & CM.APPL437672016(stay) SATYA NARAYAN SHARMA .....

... Petitioner

Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo, Advocates versus NEW DELHI MUNICIPAL COUNCIL AND ANR.....

... RESPONDENTS

Through Mr. Sri Harsha Peechara, ASC with Mr. Mananjay Mishra, Advocate for NDMC. Mr. Devesh Singh, ASC with Ms. Jyoti Taneja, Advocate for GNCTD. Mr. Ashish Mohan with Mr. Mohit Kumar, Advocate for Sarojini Nagar Market Association. WP(C).11115/2016 etc. Page 1 of 11 + W.P.(C) 11203/2016 & CM.APPL438562016(stay) HARCHARAN SINGH .....

... Petitioner

Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo, Advocates versus NEW DELHI MUNICIPAL COUNCIL & ANR .....

... RESPONDENTS

Through Mr. Sri Harsha Peechara, ASC with Mr. Mananjay Mishra, Advocate for NDMC. Mr. Tarunvir Singh Khehar, Mr. Gurmeet Khehar and Mr. Charanjeet Singh, Advocates for respondent no.1. Mr. Devesh Singh, ASC with Ms. Jyoti Taneja, Advocate for GNCTD. Mr. Ashish Mohan with Mr. Mohit Kumar, Advocate for Sarojini Nagar Market Association. + W.P.(C) 11205/2016 & CM.APPL438582016(stay) BRIJ MOHAN @ SHASHI .....

... Petitioner

Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo, Advocates versus NEW DELHI MUNICIPAL COUNCIL AND ANR.....

... RESPONDENTS

Through Mr. Sri Harsha Peechara, ASC with Mr. Mananjay Mishra, Advocate for NDMC. Mr. Tarunvir Singh Khehar, Mr. Gurmeet Khehar and Mr. Charanjeet Singh, Advocates for respondent no.1. Mr. Devesh Singh, ASC with Ms. Jyoti Taneja, Advocate for GNCTD. WP(C).11115/2016 etc. Page 2 of 11 Mr. Ashish Mohan with Mr. Mohit Kumar, Advocate for Sarojini Nagar Market Association. + W.P.(C) 11206/2016 & CM.APPL438592016(stay) RANJIT SINGH .....

... Petitioner

NDMC & ANR Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo, Advocates versus .....

... RESPONDENTS
Through Mr. Sri Harsha Peechara, ASC with Mr. Mananjay Mishra, Advocate for NDMC. Mr. Tarunvir Singh Khehar, Mr. Gurmeet Khehar and Mr. Charanjeet Singh, Advocates for respondent no.1. Mr. Devesh Singh, ASC with Ms. Jyoti Taneja, Advocate for GNCTD. Mr. Ashish Mohan with Mr. Mohit Kumar, Advocate for Sarojini Nagar Market Association. + W.P.(C) 11561/2016 & CM.APPL455712016(interim relief) MURARI LAL SHARMA .....

... Petitioner
Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo, Advocates NEW DELHI MUNICIPAL CORPORATION AND ANR versus .....

... RESPONDENTS
Through Mr. Sri Harsha Peechara, ASC with Mr. Mananjay Mishra, Advocate for NDMC. Mr. Devesh Singh, ASC with Ms. Jyoti Taneja, Advocate for GNCTD. WP(C).11115/2016 etc. Page 3 of 11 Mr. Ashish Mohan with Mr. Mohit Kumar, Advocate for Sarojini Nagar Market Association. + W.P.(C) 11593/2016 & CM.APPL456442016(stay) NARENDER KUMAR .....

... Petitioner
Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo, Advocates NEW DELHI MUNICIPAL COUNCIL & ANR versus .....

... RESPONDENTS
Through Mr. Sri Harsha Peechara, ASC with Mr. Mananjay Mishra, Advocate for NDMC. Mr. Devesh Singh, ASC with Ms. Jyoti Taneja, Advocate for GNCTD. Mr. Ashish Mohan with Mr. Mohit Kumar, Advocate for Sarojini Nagar Market Association. + W.P.(C) 11983/2016 & CM.APPL473272016 DEVI CHARAN .....

... Petitioner
Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo, Advocates NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS versus ..

... RESPONDENTS
Through Mr. Sri Harsha Peechara, ASC with Mr. Mananjay Mishra, Advocate for NDMC. Mr. Devesh Singh, ASC with Ms. Jyoti Taneja, Advocate for GNCTD. Mr. Ashish Mohan with Mr. Mohit Kumar, Advocate for Sarojini Nagar Market Association. WP(C).11115/2016 etc. Page 4 of 11 + W.P.(C) 11987/2016 & CM.APPL473342016 ARUN KUMAR @ LUCKY .....

... Petitioner
Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo, Advocates versus NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS. .....

... RESPONDENTS
Through Mr. Sri Harsha Peechara, ASC with Mr. Mananjay Mishra, Advocate for NDMC. Mr. Devesh Singh, ASC with Ms. Jyoti Taneja, Advocate for GNCTD. Mr. Ashish Mohan with Mr. Mohit Kumar, Advocate for Sarojini Nagar Market Association. + W.P.(C) 11996/2016 & CM.APPL473902016 RAJESH KUMAR .....

... Petitioner
Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo, Advocates versus NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS. .....

... RESPONDENTS
Through Mr. Sri Harsha Peechara, ASC with Mr. Mananjay Mishra, Advocate for NDMC. Mr. Devesh Singh, ASC with Ms. Jyoti Taneja, Advocate for GNCTD. Mr. Ashish Mohan with Mr. Mohit Kumar, Advocate for Sarojini Nagar Market Association. WP(C).11115/2016 etc. Page 5 of 11 + W.P.(C) 12011/2016 & CM.APPL474102016 VISHNU DAYAL AGGARWAL .....

... Petitioner
Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo, Advocates NDMC & ORS. versus .....

... RESPONDENTS
Through Mr. Sri Harsha Peechara, ASC with Mr. Mananjay Mishra, Advocate for NDMC. Mr. Devesh Singh, ASC with Ms. Jyoti Taneja, Advocate for GNCTD. Mr.

Ashish Mohan with Mr. Mohit Kumar, Advocate for Sarojini Nagar Market Association. + W.P.(C) 12098/2016 & CM.APPL477622016 ROHIT CHAWLA .....

... Petitioner
Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo, Advocates NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS. versus .....

... RESPONDENTS
Through Mr. Sri Harsha Peechara, ASC with Mr. Mananjay Mishra, Advocate for NDMC. Mr. Devesh Singh, ASC with Ms. Jyoti Taneja, Advocate for GNCTD. Mr. Ashish Mohan with Mr. Mohit Kumar, Advocate for Sarojini Nagar Market Association. + W.P.(C) 12166/2016 & CM.APPL480472016 PURAN CHAND .....

... Petitioner
Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo, Advocates WP(C).11115/2016 etc. Page 6 of 11 versus NEW DELHI MUNICIPAL COUNCIL AND ANR.....

... RESPONDENTS
Through Mr. Sri Harsha Peechara, ASC with Mr. Mananjay Mishra, Advocate for NDMC. Mr. Devesh Singh, ASC with Ms. Jyoti Taneja, Advocate for GNCTD. Mr. Ashish Mohan with Mr. Mohit Kumar, Advocate for Sarojini Nagar Market Association. + W.P.(C) 381/2017 & CM.APPL17842017 GOVIND SINGH & ANR. .....

... Petitioner
s Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo, Advocates NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS. versus .....

... RESPONDENTS
Through Mr. Sri Harsha Peechara, ASC with Mr. Mananjay Mishra, Advocate for NDMC. Mr. Devesh Singh, ASC with Ms. Jyoti Taneja, Advocate for GNCTD. Mr. Ashish Mohan with Mr. Mohit Kumar, Advocate for Sarojini Nagar Market Association. + W.P.(C) 1162/2017 & CM.APPL52822017 KUSUM DEVI .....

... Petitioner

Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo, Advocates versus WP(C).11115/2016 etc. Page 7 of 11 NEW DELHI MUNICIPAL COUNCIL AND ANR .....

... RESPONDENTS
Through Mr. Sri Harsha Peechara, ASC with Mr. Mananjay Mishra, Advocate for NDMC. Mr. Devesh Singh, ASC with Ms. Jyoti Taneja, Advocate for GNCTD. Mr. Ashish Mohan with Mr. Mohit Kumar, Advocate for Sarojini Nagar Market Association. + W.P.(C) 2865/2017 & CM.APPL125232017 HARI OM .....

... Petitioner
Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo, Advocates versus NEW DELHI MUNICIPAL COUNCIL & ANR.....

... RESPONDENTS
Through Mr. Sri Harsha Peechara, ASC with Mr. Mananjay Mishra, Advocate for NDMC. Mr. Devesh Singh, ASC with Ms. Jyoti Taneja, Advocate for GNCTD. Mr. Ashish Mohan with Mr. Mohit Kumar, Advocate for Sarojini Nagar Market Association. + W.P.(C) 3557/2017 & CM.APPL155862017 SUSHIL KUMAR .....

... Petitioner
Through Mr. N.K. Sahoo with Mrs. S.B. Sahoo, Advocates versus WP(C).11115/2016 etc. Page 8 of 11 NEW DELHI MUNICIPAL COUNCIL & ORS .....

... RESPONDENTS
Through Mr. Sri Harsha Peechara, ASC with Mr. Mananjay Mishra, Advocate for NDMC. Mr. Devesh Singh, ASC with Ms. Jyoti Taneja, Advocate for GNCTD. Mr. Ashish Mohan with Mr. Mohit Kumar, Advocate for Sarojini Nagar Market Association. CORAM: HON'BLE MR. JUSTICE G.S. SISTANI HON'BLE MR. JUSTICE C. HARI SHANKAR G.S.SISTANI, J.

(ORAL) 1. The petitioners have filed the present writ petitions under Article 226 of the Constitution of India. It is a common case of all the petitioners that they are regular squatters and their names find mentioned in the list of 628 street vendors

prepared by the NDMC. It is also the case of the petitioners that they have been illegally removed by the officials of the NDMC. Today a common submission of the learned counsel for the petitioners is that the petitioners are willing to accept the alternative sites at D-Avenue, Sarojini Nagar. The petitioners are willing to give an undertaking to the Court that they would not occupy an area exceeding 6 x 4 ft., they would not leave their goods at night, they would not sub-divide the spot or permit any other person to squat without the leave of the NDMC and they would also maintain all security norms.

2. Mr. Peechara, learned counsel for the NDMC submits that admittedly the names of the petitioners find mentioned in the list of 628 persons WP(C).11115/2016 etc. Page 9 of 11 prepared by the NDMC. He submits that the NDMC would prepare a seniority list and make interim allotments till the Town Vending Committee is functional and provides sites to these petitioners. He submits that out of 19 petitioners, 17 petitioners would be accommodated and the remaining petitioners would be granted site at Laxmi Bai Nagar.

3. We dispose of all these writ petitions with the consent of the parties while addressing concerns of the applicants and also the NDMC.

4. It is agreed that in addition to an undertaking, the street vendors will also file an affidavit which will contain their names, photographs, addresses, copies of Aadhaar Cards, including their undertaking on affidavits that they would not exceed 6 x 4 ft. area. It is agreed that upon the petitioners filing the relevant documents supported by an affidavit, the offer would be given to all the 19 petitioners by the respondent. After the re-allocation is made, NDMC will take clear dated photographs of the area, with the person and file the same in the Registry, which will form part of the Court record, to be relied upon for any future proceedings. The area will be inspected by NDMC at least once a month, to ensure that there is no violation of the norms or the area is not being sub-divided or sub-let. The NDMC will file an affidavit after the demarcation is carried out. The affidavit shall disclose the number of sites allotted and names of persons who are allowed to vend, with photographs, after serving an advance copy to the learned counsel for the petitioners. If no objection is filed by the petitioners within one

week of receipt of the affidavit, the same would WP(C).11115/2016 etc. Page 10 of 11 be deemed to be taken as correct and no objections will be entertained thereafter.

5. With these directions the writ petitions stand disposed of. CMs.APPL434502016 & 9910/2017 in W.P.(C) 11115/2016 CM.APPL437672016(stay) in W.P.(C) 11190/2016 CM.APPL438562016(stay) in W.P.(C) 11203/2016 CM.APPL438582016(stay) in W.P.(C) 11205/2016 CM.APPL438592016(stay) in W.P.(C) 11206/2016 CM.APPL455712016(relief) in W.P.(C) 11561/2016 CM.APPL456442016(stay) in W.P.(C) 11593/2016 CM.APPL473272016 in W.P.(C) 11983/2016 CM.APPL473342016 in W.P.(C) 11987/2016 CM.APPL473902016 in W.P.(C) 11996/2016 CM.APPL474102016 in W.P.(C) 12011/2016 CM.APPL477622016 in W.P.(C) 12098/2016 CM.APPL480472016 in W.P.(C) 12166/2016 CM.APPL17842017 in W.P.(C) 381/2017 CM.APPL52822017 in W.P.(C) 1162/2017 CM.APPL125232017 in W.P.(C) 2865/2017 CM.APPL155862017 in W.P.(C) 3557/2017 6. The applications stand disposed of in view of above. G.S.SISTANI, J C.HARI SHANKAR, J MAY17 2017/pst WP(C).11115/2016 etc. Page 11 of 11

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