

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CONT.PET.(C)NO.126/2001 In W.P(Civil)No.1699/1987

HAWKERS WELFARE COMMITTEE

Petitioner (s)

VERSUS

S.P. AGGARWAL & ANR.

Respondent (s)

IA Nos.372-373 In W.P.(C)No.1699/1987-(For directions)  
(Alongwith Record of Con.Pet.(C)No.187/2000)

Date : 08/03/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI

HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s) Mr. M.M. Kashyap, Adv.

For Respondent (s) Mr. Shiv Kumar, Adv.  
Ms. Indra Sawhney, Adv.

Mr. T.L.V. Iyer, Sr. Adv.  
Mr. Subramonium Prasad, Adv.  
Mr. Abhay Kumar, Adv.

Comnr. of Police Mr. K.C. Kaushik, Adv.  
for Mr. D.S. Mahra, Adv.

UPON hearing counsel the Court made the following

O R D E R

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I.A.Nos. 372-373 : The controversy remains@@  
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confined around 21 persons, the list whereof is available  
at page 29 of the I.A. These persons can be classified  
in three groups:

Category 1 : As to (i) Kishan Chand, (ii) Kailash@@  
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Chand Negi, (iii) Hari Ram (Serial Nos. 2,4 & 10),  
according to the learned counsel for MCD, they have been  
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given possession and also issued Identity cards referable  
to the allotment sites, but this fact is disputed by the  
learned counsel for the applicants.

Category 2 : As to (i) Ved Prakash, (ii) Naresh@@  
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Kumar, (iii) Dinesh Kumar, (iv) Keshav Jain, (v) Prem Kumar (Serial Nos. 7,11,13,20 and 21), according to the applicants, possession is not given, while, according to learned counsel for MCD, possession was offered to be given but these persons refused to take possession over the sites allotted to them.

Category 3 : As to (i) Ashok Kumar, (ii) Gurcharan@@  
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Singh, (iii) Shyam Sunder, (iv) Balkishan Ahuja, (v) Ramesh Chand Goyal, (vi) Sat Pal, (vii) Bodhan Lal (Serial Nos. 1,5,6,8,14,17 & 18) according to learned counsel for MCD, possession over allotted sites could not be given because of an interim order of stay passed by the High Court of Delhi in CWP No. 5664/2001 and CMP No. 9696/2001.

The controversy is disposed of with the following directions :

1. As to categories 1 and 2 above, within a period of 3 days the Licencing Inspector of MCD (Enforcement) shall once again visit the allotted sites on Monday, the 11th March, 2002 at 11 a.m. and see that possession letters are given and receipts taken showing delivery of ..3/-

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possession. Learned counsel for Police Commissioner assures that requisite police help shall be provided.

2. As to category 3 persons, learned counsel for MCD shall appear before the High Court and apprise the High Court of the correct facts whereupon the High Court may form its opinion in the matter of continuance of the interim order. In the event of the interim order being vacated, possession shall be delivered to the eligible squatters within one week thereof.

List these matters after four weeks for reporting compliance.

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Sarita (Radha Rani Bhatia) @@  
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Court Master@@  
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Note : Copy of the order be given today.