

ITEM NO.11

COURT NO.6

SECTION X

S U P R E M E

C O U R T O F I N D I A
RECORD OF PROCEEDINGSWRIT PETITION (CIVIL) NO(s). 86 OF 2012
(for prel. hearing)

MOHD.DILSHAD

Petitioner(s)

VERSUS

NEW DELHI MUN.CORP.& ANR

Respondent(s)

(With appln(s) for ex-Parte stay and office report)

Date: 26/03/2012

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mrs Rachna Gupta,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

In this petition filed under Article 32 of the Constitution, the petitioner has prayed for issue of a direction to the respondents not to disturb him from continuing to squat opposite Shop No.171, Near the Mandir in Sarojini Nagar Market.

We have heard learned counsel for the petitioner and carefully perused the averments contained in the petition and the documents annexed with it. In our view,

the petitioner has failed to show that he has been squatting

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at the site for last more than 15 years. The challans filed with the petition indicate that on four occasions between 1997 to 2012, the petitioner may have squatted at the site. This cannot be treated as sufficient for recording a finding that the petitioner has been continuously doing his business for the purpose of earning livelihood at the disputed site.

The writ petition is accordingly dismissed.

However, liberty is given to the petitioner to avail other remedies including by filing a writ petition before the High Court to show that he had been continuously doing business at the site and the respondents cannot evict him by taking advantage of the provisions contained in the National Capital Territory of Delhi Laws (Special Provisions) Act, 2011.

(Parveen Kr.Chawla)
Court Master

(Phoolan Wati Arora)
Court Master