

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A.No.1 in I.A.No.407 in W.P.(C) No.1699/1987

Patri Vyapar Mandal Delhi(Regd). Petitioner(s)

VERSUS

M.C.D.Town Hall & Ors. Respondent(s)
(For permission to file application and directions)

With
I.A.1 @ C.P.(C) No.170/2007 in in I.A.No.394 in I.A.No.356 in W.P.(C) No. 1699/1987
Hawkers Welfare Committee Thru Its President Vs. Ashok Nigam
(For Directions)

Contempt Petition(C) No.323/2007 in W.P.(C) No.1699/1987
Promod Kumar & Ors. Vs. M.C.D.& Ors.

SLP(C) No. 17472/2005
Siya Ram & Ors. Vs. UOI & Ors.
(With appln(s) for directions and office report)
With

I.A.No.366 in W.P.(C) No. 1699/1987
Ram Swaroop & Ors. Vs. MCD & Ors.
(For directions)

With
I.A.No.367 in W.P.(C) No.1699/1987
Raj Kumar Ghai Vs. MCD & Ors.
(For directions)

Contempt Petition(C) No. 126/2001
Hawkers Welfare Committee Vs. S.P. Aggarwal & Anr.

I.A.No.361 in W.P.(C) No.1699/1987
Hawkers Welfare Committee Vs. MCD & Ors.
(For directions)

I.A.No.372-373 in W.P.(C) No.1699/1987
Hawkers Welfare Committee Vs. MCD & Ors.
(For directions)
(Along with the record of Contempt Petition (C) No.187/2000)
With

I.A.No.389 in W.P.(C) No.1699/1987
Harbhajan Singh Bedi Vs. MCD & Ors.
(Along with record of I.A.No.356)

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I.A.No.392 in W.P.(C) No.1699/1987
Shri Pramod Kumar & Anr.Vs. Assistant Commissioner MCD & Anr.
(For directions)

I.A.No..... In W.P.(C)No.1699/1987
Ram Mohan Gautam Vs. State through Secretary, Delhi Admn.
(For interim relief)

WITH
W.P(C)No.535/2001
Raj Karan Vs. Municipal Corporation of Delhi & Anr.
(With office report)

W.P.(C)No.240/2004
Vijay Pandey & Ors.Vs. M.C.D. & Ors.
(With appln.(s) for ex-parte stay and office report)

WITH
I.A.Nos.397-398 in W.P(C)No. 1699/1987

Om Pal Etc. Vs. Asstt. Commr., M.C.D. & Anr.
(For directions)
I.A.No.399 in I.A.No.394 in W.P.(C)No.1699/1987
Sudhir Madan & Ors.Vs. M.C.D. & Ors.
(For modification of Court's order dated 09.08.2004)

WITH
I.A.Nos.1-2 in WP(C)No.100/2002
New Lajpat Rai Market Patri Hawkers Union
Vs. Municipal Corporation of Delhi & Ors.
(For directions and exemption from filing O.T.)
I.A.No..../2005 in I.A.No.394 in IA No.356 in W.P.(C)No.1699/1987
Nand Kishore & Anr. Vs. M.C.D. & ors. (For impleadment)

I.A.No..../2005 in I.A. No.394 in IA No.356 in W.P.(C)No.1699/1987
Nand Kishore & Anr. Vs. M.C.D. & ors. (For modification)

I.A. No.400 in W.P(C)No.1699/1987
Sh. Santosh Kumar Vs. M.C.D. & Ors. (For direction)

WITH
I.A.No.401 in I.A. 396 in C.P. 506/2002
M/s. Chandini Chowk Hawkers Association(Regd.)
Vs. Rakesh Mehta & Ors.
(Appln. for modification of order dt. 25.08.2005)

WITH
I.A..... In C.P. 506/2002
Chandini Chowk Sarv Vyapar Mandadl vs. Sh. Rakesh Mehta & Ors.
(For direction/modification)

I.A. No.402 in W.P(C)No. 1699/1987
President, Delhi Hawkers Maulik Adhikar Suraksha Manch
vs. M.C.D. & Ors.
(For direction to initiate proceedings under Sec. 340 CrI.P.C)

With
W.P(C)No.414/2006
Bhoori vs. State of Delhi & Anr.
(With office report)

WITH
I.A.No.403 in W.P.(C) No.1699/1987
Manushi Sanghathan Vs. M.C.D. & Ors.
(For intervention)

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WITH
I.A.No.404 in W.P.(C)No.1699/1987
National Association of street vendors vs. M.C.D. & Ors.
(For intervention)

WITH
I.A. No.406 in W.P.(C)No.1699/1987
Ministry of Housing & Poverty Alleviation, New Delhi
Vs. M.C.D. & Ors. (For impleadment)

WITH
I.A. Nos. 408-409 in WP(C)No. 1699/1987
Self Employed Womens Association vs. M.C.D. & Ors.
(For intervention and directions)

With
I.A.Nos. 410 in W.P.(C) No.1699/1987
(For directions on behalf of M.C.D.)

With
Contempt Petition(C) No.183/2008 in W.P.(C) No. 1699/1987
New Patri Vyapar Mandal Delhi (Regd.) Vs. Shri Ashok Nigam and Ors.
W.P.(C) No.110/2007(With appln. for clarification of Court's order and office report)

Date: 30/09/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Applicant(s)/
Petitioner(s)/
Respondent(s)

Ms. Kavita Wadia, Adv.
Mrs. Gouri K. Das, Adv.
Ms. Anu Gupta, Adv.
Ms. Bhakti Pasrija, Adv. for
Mrs. Rani Jethamalini, Adv. (NP)
Mr. M.M. Kashyap, Adv.
Ms. Geeta Luthra, Adv.
Mr. D.N. Goburdhun, Adv.
Ms. Pinky Anand, Adv.
Ms. Aanchal Mullick, Adv.

UOI/M-UD
Mrs. Kiran Bhardwaj, Adv.
Mr. B.K. Prasad, Adv.

W.P.(C) 414/2006
Mr. Shakeel Ahmad, Adv.
Ms. Azma Asad, Adv.
Delhi Administration Ms. Varuna Bhandari Gugnani, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. D.S. Mahra, Adv.

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NDMC
Mr. Rakesh Kumar Khanna, Sr. Adv.
Dr. Rashmi Khanna, Adv.
Mr. Surya Kant, Adv.
Mr. Pranav Vyas, Adv.
Mr. Faizy Ahmad Sayed, Adv.

MCD
Mr. Sanjiv Sen, Adv.
Mr. Praveen Swarup, Adv.
Mrs. June Choudhary, Sr. Adv.
Mr. S.C. Tripathi, Adv.
Mrs. June Choudhary, Sr. Adv.
Mr. Goodwill Indeever, Adv.
Mr. Mehul Sharma, Adv.
Ms. Madhu Moolchandani, Adv.
Mr. A. Mariarputham, Adv.
M/s Arputham Aruna & Co.
Mr. Shiv Kumar (A.C.)
Ms. Indra Sawhney, Adv.
Mr. Subramonium Prasad, Adv.
Mr. Mohan Pandey, Adv.
Mr. C.S. Ashri, Adv.
Dr. S.K. Verma, Adv.
Mr. Balraj Dewan, Adv.
Mr. Varinder Kumar Sharma, Adv.
Ms. Prasanthi Prasad, Adv.

W.P.(C) 110/2007
Mr. Chandra Shekhar, Adv.

Mr. Saurabh Upadhyay, Adv.
Mr.S.K.Verma, Adv.

Ms.Asha G. Nair,Adv.
Mr.Shakeel Ahmed, Adv.

Ms.Kamini Jaiswal,Adv.

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I.A.No.404 Mr. Prashant Bhushan, Adv.
Mr. Somish Rattan, Adv.

SLP(C)17472/2005 Ms. June Chaudhary, Sr. Adv.
Mr. N.K. Sahoo, Adv.
Mr.Suresh Chandra Tripathy, Adv.

I.A.Nos.408-409/2007 Ms. Indira Jaisingh, Sr. Adv.
Ms.Mahak Sethi, Adv.
Mr. Shankar Kumar Jha, Adv.
Mr.T.V.George, Adv.

I.A.No.410 Mr. Ravindra Kumar, Adv.

Mr.V.K.Verma,Adv.

UPON hearing counsel the Court made the following
ORDER
I.A.No.410 in W.P.(C) No.1699/1987

Some responses to the application filed by the Delhi Municipal Corporation have now been filed. Let them be kept on record. Let the matter appear two weeks hence. Municipal Corporation of Delhi may file rejoinders thereto in the meantime.

It was stated at the Bar that Ms. Sukhvinder Kaur, an officer of the Delhi Higher Judicial Service was appointed to function as Presiding Officer of Zonal Vending Committee, NDMC. However, learned counsel hands over to us a copy of the order dated 22.9.2008; on a perusal whereof, it appears that a Division Bench of the High Court in LPA No. 452/2008 directed that a retired ADJ be appointed to head the Vending Committee instead of sitting ADJ.

Mr. R.K. Khanna, learned senior counsel states that he has no instructions in the matter.

However, we may draw attention of the High Court that in our order dated 8.5.2008 a desire was expressed by this Court that a sitting member of the Higher Judicial Service be nominated to head the Zonal Vending Committee. We have no doubt in our mind that the

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attention of the Bench was not drawn to the said order when the aforementioned order dated 22.9.2008 was passed. Registrar of this Court is directed to send a copy of this order to the Registrar General of the Delhi High Court so that suitable modification in the said order dated 22.9.2008 is made.

It is stated by Ms. Indira Jai Singh, learned senior counsel that the names of affected persons have been displayed only in the Notice Board of the M.C.D. on 16.8.2008 and 17.8.2008 in terms of an advertisement issued in the Times of India on 10.8.2008. According to the learned counsel many of the applicants being women could not visit the office of the M.C.D. to ascertain as to whether their names appear in the said list or not owing to the fact that 16.8.2008 happened to be 'Raksha Bandhan' and 17.8.2008 a Sunday.

We direct the M.C.D. to put the said list on their Website. A copy of the said list may be handed over to Mrs. Indira Jaisingh, Ms. Gita Luthra, Mr. M.M. Kashyap and Mr. Prashant Bhushan, learned counsel within one week.

It is stated by Mr. M.M. Kashyap that the names finding place in the reports of different committees have been combined together. The grievance in that regard, if any, be placed before an appropriate Committee.

Contp. Petition(C) No.183/2008 in W.P.(C) No.1699/87

It is a matter of great regret that despite our order dated 23.4.2008, the Municipal Corporation of Delhi has not yet responded to the application. M.C.D. must do so within ten days from date failing which a serious view shall be taken.

I.A.No.1 in I.A.No.407 in W.P.(C) No.1699/1987

Ms. Kavita Wadia, learned counsel has drawn our attention to a Notice issued by the Assistant Commissioner, S.P. Zone on 25.9.2008; on a perusal whereof it appears that a meeting for the purpose of allotment of tehbazari sites on provisional basis through draw of lots to the eligible squatters of Gainda Ram Scheme and rejected cases by Chopra Committee, was to be held on 26.9.2008 at 1 p.m. Although, according to Ms. Wadia, learned counsel, many persons

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could not be informed about the said draw of lots, some of them had attended the said meeting. Some allotments, allegedly, have been made but no possession of the allotted plots have been delivered.

We direct the Ward Vending Committee to give an opportunity of hearing to those who have provisionally been allotted plots in the meeting held on 26.9.2008 so that their grievances as regards possession can be met.

Such an opportunity should be given to two of their representatives so that appropriate directions be passed as expeditiously as possible. We hope and trust that possession shall be delivered in terms of the orders of allotment as expeditiously as possible.

W.P.(C) No. 110/2007

In terms of this Court's order dated 8.5.2008, a three-tier committee had been constituted. The grievance of the petitioners can well be addressed by the appropriate committee.

In this view of the matter, we do not find it a fit case for exercise of our jurisdiction under Article 32 of the Constitution of India. The writ petition is dismissed accordingly.

[Meenu Sethi]
A.R.-cum -P.S.

[Pushap Lata Bhardwaj]
Court Master

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