

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

RECORD OF PROCEEDINGS

I.A. NO.407 IN WRIT PETITION(C) NO.1699 OF 1987

PATRI VYAPAR MANDAL DELHI (REGD)
TIONER(S)

...PETI

VERSUS

M.C.D.TOWN HALL & ORS.

...RESPONDENT(S)

(For permission to file application)

WITH

CONMT. PET.(C)NO.D15102 OF 2003

SUBHASH CHAND & ORS. VERSUS O.P.BALWANI & ANR.

Date: 17/05/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s)

Applicant in I.A.

Mr. Colin Gonsalves, Sr.Adv.

No.407 & Contempt

Ms. Kavita Wadia, Adv.

Pet.No.215/06

In Contempt P.(C)

Mr. Arvind Nayar, Adv.

No.D15102 of 2003

Mr. Sudhir Nandrajog, Adv.

For M.C.D.

Mr. Sanjiv Sen, Adv.

Mr. Praveen Swarup, Adv.

Mr. Subhash Bansal, Adv.

For NCT of Delhi/

Mr. Ashok Bhan, Adv.

Delhi Police

Mr. Wasim A.Qadri, Adv.

Mr. M.P.S.Tomar, Adv.

Ms. Varuna Bhandari Gugnani, Adv.

Mr. D.S. Mehra, Adv.

Ms. Anil Katiyar, Adv.

For Govt.of Delhi

Mr. Ashok Bhan, Adv.

Mr. Wasim A.Qadri, Adv.

Ms. Varuna Bhandari Gugnani, Adv.

Mr. M.P.S. Tomar, Adv.

Mr. D.S. Mehra, Adv.

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UPON hearing counsel the Court made the following

O R D E R

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

Only today we have delivered the judgment approving the

Street Vendors Scheme of the M.C.D. and N.D.M.C.

Counsel for the applicant submits that his clients are high up

ill be in the seniority list and in all probability the hawking sites will

be allotted to them - may be in a hawking/squatting area. Counsel for

the M.C.D. states that within 2-3 months the exercise will be

undertaken and the allotments made under the New Scheme. If the

applicant is high up in the seniority list, he should expect the

allotment in about three months time.

We, therefore, do not pass any order today on this I.A. but we

nths direct the M.C.D. to see to it that preferably within three mo

for alternative sites are allotted to those who hold valid permission

hawking/squatting.

e In view of the order we have passed in I.A. No.407, th

Contempt Petition Nos. 4984, 4985 of 2003, 506 of 2002 and 215 of

2006 do not survive. These Contempt Petitions have therefore,

become infructuous. These Contempt Petitions are dismissed as

having become infructuous.

ght to It is submitted on behalf of the applicant that their ri

squat was recognised and saved by at least three

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orders of this court dated 1st December, 1997, 28th August, 1998 and

1st December, 2000. Despite that, they were removed some time in

the year 2003. Their grievance further is that though they have been

removed, large number of other squatters are still squatting on the

plots in question. He further apprehends that under the new scheme

his claim may be ignored.

Mr. Sen appearing on behalf of the M.C.D. submits that the

apprehension of the applicant is not justified because the applicants

are persons who have been given permission to squat by the

authorities. They will be eligible for allotment in any event. Their

seniority will not be adversely affected by the new scheme. Their

seniority will be retained and their claims shall be considered in

accordance with the new scheme giving them due seniority and their

absence from the market will not stand in their way.

However, in the meantime, if the M.C.D. can find available

alternative squatting sites near about Lajpat Nagar

or in any other designated zone, they shall permit them to carry on

their hawking business on those sites. If there are any such hawking

sites available, it will be open to the applicants to furnish necessary

particulars of those sites to the M.C.D. to enable them to consider

allotment of alternative sites. If such sites are identified by the

applicants, the M.C.D. will take steps forthwith to consider

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allotment of such sites in favour of the applicants and not later than

three weeks after the sites are identified and found to be available for

allotment.

The Contempt Petition is disposed of accordingly.

(Sukhbir Paul Kaur)

Court Master

(Vijay Dhawan)

Court Master