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ITEM NO.1+2

COURT NO.3

SECTION X

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.4 IN I.A.Nos.411-412 IN WRIT PETITION (CIVIL) NO(s). 1699 OF 1987

GAINDA RAM & ORS. Petitioner(s)

VERSUS

M.C.D. & ORS. Respondent(s)

(With appln(s) for directions and office report)

WITH

I.A.No.1 IN I.A.No.4 IN I.A.Nos.411-412 IN WRIT PETITION (CIVIL) NO(s).
1699 OF 1987

(With appln(s) for directions and office report)

I.A.No.2 IN I.A.No.4 IN I.A.Nos.411-412 IN WRIT PETITION (CIVIL) NO(s).
1699 OF 1987

(With appln(s) for directions and office report)

I.A.No.1 In D 5497 (Appeal against the Registrar order)

I.A.No.1 in I.A.Nos.415 & 416 IN WP(C)No.1699/1987

I.A.Nos.425, 426 and 427 In WP(C)No.1699/1987

(With appln.(s) for impleadment and directions and exemption from filing
O.T. and office report)

IA.No.428 In WP(C)No.1699/1987

W.P(C) NO. 190 of 2012

(With appln.(s) for directions and permission to file additional documents)

W.P(C) NO. 207 of 2012

(With appln.(s) for directions and office report)

SLP(C)No.1765/2012

(With appln.(s) for permission to place addl.documents on record and with
prayer for interim relief and office report)

SLP(C)No.2241/2012

(With appln.(s) for interim directions and permission to place
addl.documents on record and with prayer for interim relief and office
report)

SLP(C)No.2455-2459/2012

(With appln.(s) for interim directions and permission to place
addl.documents on record and with prayer for interim relief and office
report)

SLP(C)No.3267/2012

(With appln.(s) for permission to place addl.documents on record and with
prayer for interim relief and office report)

SLP(C)No.3295/2012

(With appln.(s) for permission to file certified copies of Annexures and
addl.documents and with prayer for interim relief and office report)

SLP(C)No.8061/2012

(With prayer for interim relief and office report)

Date: 31/01/2013 These I.As/Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s)/ Mr.Rakesh Kumar Khanna, ASG

Applicants Mr.Surya Kant, Adv.

(For NDMC) Mr.Wasim A.Qadri, Adv.

Mr.Shanker Divate, Adv.

Ms.Gunwant Dara, Adv.

Mr.Pranav Vyas, Adv.

Ms.Seema Rao, Adv.

Ms.Ritu Bhardwaj, Adv.

Mr.P.H.Parekh, Sr.Adv.

Mr.Pallav Shishodia, Sr.Adv.

Mr.N.K.Sahoo, Adv.

Mr.Haresh Richura, Adv.

Mr.Anoop G.Choudhari, Sr.Adv.
Mr.Ashish Mohan, Adv.
Mr.Chetan R.Wahi, Adv.
Mr.K.K.Mohan, Adv.

Mr.S.P.Singh, Sr.Adv.
Mrs.Anjani Aiyagari, Adv.

Mr.Prashant Bhushan, Adv.
Ms.Kamini Jaiswal, Adv.
Mr.Ramesh K.Mishra, Adv.
Mr.S.Singh, Adv.
Mr.Rohit Kumar Singh, Adv.

Ms.Kiran Bhardwaj, Adv.
Mr.Prashant Shukla, Adv.

Mr.Anirudh Gupta, Adv.
Mr.Prashant Kumar, Adv.

Mr.Pranesh, Adv.

Mr.Satish Kumar Tripathi, Adv.
Mr.Nitin Kumar Thakur, Adv.

Mr.Amit Yadav, Adv.
Mr.M.R.Singh, Adv.
Ms.Sujata Kurdukar, Adv.

Mr.Praveen Swarup, Adv.

Ms.Rani Chhabra, Adv.

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

The application for impleadment is allowed.

These petitions and interlocutory applications raise issues of livelihood of hawkers and street vendors.

The same issue has come up before this Court and Delhi High Court on various occasions in last almost four decades. Every time, this Court and Delhi High Court passes some or other order, new problems and issues crop up and the affected persons seek intervention of the Court.

In Gainda Ram and others vs. Municipal Corporation of Delhi and others (2010) 10 SCC 715, this Court had expressed the hope that an appropriate legislation would be enacted and the problems of hawkers and street vendors would be finally solved. But that has not happened and for last about two years, the Court is grappling with several I.As, writ petitions and special leave petitions.

We have been informed by the learned counsel for the parties that some writ petitions have also been filed in the Delhi High Court and some interim orders have been passed. With a view to avoid any confusion, we are not advertent to the details of I.As, writ petitions, special leave petitions filed before this Court and the writ petitions etc. filed before the Delhi High Court because apparently conflicting orders have come to be passed in some of the matters.

Yesterday, we heard the matter for some time and adjourned the same for today.

At the commencement of further hearing, the Court invited the attention of the learned Additional Solicitor General to the preamble of the Constitution and the obligation of the State and the society to ensure that social and economic justice is done to all segments of the society. It was suggested to the learned Additional Solicitor General that the Government of NCT of Delhi must holistically address to the problems of the hawkers and street vendors and as has been done for regularisation of the

slums and so-called unauthorised colonies, a comprehensive decision can be taken in the interest of large mass of population engaged in hawking and street vending.

Learned Additional Solicitor General made a request for grant of four weeks' time within which he would consult the concerned public and other authorities of Government of NCT of Delhi as also the Central Government for preparing a new Plan keeping in view the national policy and the legislation enacted by the legislature of NCT of Delhi.

For further arguments and consideration of the issues raised by the parties, these matters shall be listed on 05.03.2013.

Till the next date, complete status quo shall be maintained in respect of all those who are engaged in hawking and street vending as on today. Learned Additional Solicitor General pointed out that the person to whom the sites were allotted on the basis of the lottery draw in 2012 in Connaught Place, Sarojini Nagar and other areas of NDMC, allotments letters are being issued pursuant to an order passed by the learned Single Judge of the Delhi High Court.

Since this Court is examining various issues, we deem it proper to direct NDMC not to act upon the direction given by the Delhi High Court till the next date of hearing.

We also request the Delhi High Court not to entertain any petition by or against the hawkers and street vendors till the matter is heard and decided by this Court.

The Registry is directed to send a copy of this order to the Registrar General of the Delhi High Court who shall place the same before the Hon'ble the Chief Justice of the High Court.

The direction of status quo passed today shall operate in the entire area of NCT of Delhi.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master