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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: 8th January, 2025***

+ **CONT.CAS(C) 336/2017 & CM APPL. 68247-68248/2024**

KAMLESH KUMAR GUPTAPetitioner

Through: Mr. Suhail Khan with Mr. Farid
Ahmed Nizami, Ms. Priyanka Handa
and Ms. Vratika Mittal (through V.C.)

versus

NARESH KUMAR & ORSRespondents

Through: Mr. Sriharsha Peechara, Standing
Counsel for NDMC with Mr. Akshat
Kulshrestha, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Learned counsel for the respondents submits that there is no requirement of filing any reply to the application moved by the petitioner whereby he seeks further directions in the matter.
2. According to learned counsel for respondent/NDMC, nothing survives in the present contempt petition as the earlier order dated 31.05.2011 was recalled by the Coordinate Bench of this Court on 03.11.2017 and against the above said order, the petitioner had filed a Letters Patent Appeal i.e. LPA No.789/2017 and the above said LPA was disposed of with liberty to the petitioner to approach the *Town Vending Committee* (TVC) with all supporting documents and TVC was asked to consider his case in accordance with law.
3. It is informed that TVC has already considered the case of the



petitioner and order in this regard has also been passed on 13.12.2024 whereby it has been observed that it was not possible to consider the request made by the petitioner for relocation in Mohan Singh Place and Rivoli area. At the same time, it was also observed by TVC that the matter of the petitioner would still be placed before the *Town Vending Committee* for verification once survey process was started in accordance with the *Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, Rules and Scheme*.

4. Learned counsel for the petitioner submits that he is not aware of any such order passed on 13.12.2024.

5. A copy thereof has been given to him during the course of the hearing.

6. Copy of the above said order dated 13.12.2024 passed by the Enforcement Department (North), is retained on record and be made part of the e-file.

7. It is also admitted fact that earlier the petitioner was squatting at Palika Bazar and he had earlier been offered an alternative site at Laxmibai Nagar which is stated to be not suitable to the petitioner.

8. During course of the arguments, learned counsel for the respondent/NDMC, on instructions, submitted that the petitioner is always permitted to participate in the survey and his case would, accordingly, be placed before the *Town Vending Committee* for requisite verification during such survey process.

9. Learned counsel for the petitioner submits that in view of the above, at the moment, the petitioner is not desirous of pressing his present contempt petition. He, however, states that if he is not



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permitted to participate in the survey, the petitioner may be permitted to revive the present contempt petition.

10. In view of the above, the present petition is disposed of with the above said direction that the petitioner shall be permitted to participate in the survey process and his case would be placed before the *Town Vending Committee* for requisite verification as well in terms of the subsequent order dated 13.12.2024 passed by the Enforcement Department (North), New Delhi Municipal Council, New Delhi.

11. The petition stands disposed of as not pressed in the aforesaid terms.

12. Liberty, as prayed, is granted to the petitioner.

(MANOJ JAIN)
JUDGE

JANUARY 8, 2025/st