

(2012) 03 DEL CK 0110

In the Delhi High Court

Case No : Writ Petition (C) 842 of 2011 and CMs 1765, 9333 of 2011, 3350 of 2012

Sandeep Khurana

APPELLANT

Vs

Commissioner MCD and Others

RESPONDENT

Date of Decision : 22-03-2012

Acts Referred:

Citation : (2012) 03 DEL CK 0110

Hon'ble Judges : Hima Kohli, J

Bench : Single Bench

Advocate : Manjit Singh Ahluwalia, for the Appellant; Shyel Trehan, Advocate for R-1/MCD, Ms. Neha Kapoor, Advocate for R-2 to R-4/Traffic Police, Ms. Sangeeta Chandra, Advocate for R-5/DDA with Ms. Manisha Gupta and Dwarka and Mr. K.C. Surender, Dy. Director (CE), for the Respondent

Judgement

Hima Kohli, J.—CM 3350/2012 has been filed by the petitioners praying inter alia for directions to respondent No. 5/DDA to comply with the order dated 03.02.2012 and hand over the sites as communicated by them to DDA. Counsel for respondent No. 5/DDA confirms the fact that the petitioners had duly exercised their options in terms of the order dated 03.02.2012 and had communicated the same to DDA on 16.02.2012. She states that thereafter, respondent No. 5/DDA had held a joint meeting on 23.02.2012 with various authorities to formulate a common guideline for the implementation of a single window system for the issuance of licenses to catering vans/chef carts in the National Capital Territory of Delhi, whereafter the minutes of the meeting were drawn on 14.03.2012 and the minutes of the meeting alongwith the draft guidelines have recently been circulated to the authorities for their perusal and response. She states that as the aforesaid exercise required to be undertaken by respondent No. 5/DDA took sometime, a letter could be dispatched to respondent No. 1/MCD as recently as on 16.03.2012, informing the civic authority that the licenses for mobile catering vans/chef carts in Dwarka area would be granted by the MCD and further, the representation dated 16.02.2012

addressed by the petitioners to the DDA alongwith 10 site plans, was forwarded to the MCD for it to allocate the sites as opted for by the petitioners.

2. Counsel for respondent No. 1/MCD submits that the aforesaid letter dated 16.03.2012 has been received in the office of MCD only on 19.03.2012 and some time would be required by the MCD to peruse the said documents for issuance of licenses to the petitioners as per their options in accordance with the rules, which includes obtaining of NOCs from respondents No. 2 to 4/Traffic Police. She assures the Court that the entire process shall be completed within a period of two weeks from the date of obtaining NOCs from the traffic police. Counsel for respondents No. 2 to 4 states that there shall be no delay on the part of the Traffic Police in responding to the request received from MCD.

3. As counsel for the petitioners points out that two of the sites identified by DDA in the site plan are at a very short distance from the toilet blocks situated there and therefore not conducive to parking a catering van there, counsel for respondent No. 5/DDA assures the Court that the two sites designated in such places shall be relocated at a reasonable distance away from the toilet blocks for the convenience of the public at large and that the exact location shall be communicated directly to respondent No. 1/MCD within one week. Respondent No. 1/MCD shall thereafter issue licenses within a period of two weeks from the date of receipt of the aforesaid communication from respondent No. 5/DDA and upon getting clearance from the Traffic Police.

4. The aforesaid submissions made on behalf of respondent No. 1/MCD and respondent No. 5/DDA adequately address the grievances raised by the petitioners in the present petitions and the petitions are, therefore, disposed of alongwith all the pending applications. However, having regard to the series of directions issued to the respondents/authorities on 03.02.2012 for compliance, it is deemed expedient to monitor implementation thereof for some time. Respondents/authorities shall file affidavits in terms of the joint meeting held on 23.02.2012, for formulating a common guideline for the implementation of a single window system for the issuance of licenses to catering vans/chef carts in the National Capital Territory of Delhi.

5. As counsel for respondent No. 5/DDA submits that despite notice issued to the Land & Development Officer, Ministry of Urban Development, Govt. of NCT of Delhi, the said Department was not represented in the meeting held on 23.02.2012, it is deemed appropriate to issue notice to the Land & Development Officer, Ministry of Urban Development, Govt. of NCT of Delhi, for appearance through counsel on the next date of hearing. A copy of this order be given dasti to the counsel for respondent No. 5/DDA for communicating the same to the L&DO directly and to the nominated counsel, L&DO for appearing on the next date of hearing with necessary instructions in terms of the order dated 03.02.2012 and with an explanation for remaining absent in the meeting convened by the Vice Chairman, DDA on 23.02.2012, despite written intimation thereof.

6. While filing their affidavits, all the departments shall set out the action taken by them in terms of the directions issued on 03.02.2012 and the steps initiated for displaying on their websites the details of the areas in their jurisdiction and the designated sites for parking of catering vans/chef carts, for future purposes. Counsel for the petitioners states that the Govt. of NCT of Delhi has drafted the Delhi Street Vendors (Protection of Livelihood and Regulations of Street Vendors) Bill, 2011, which is under active consideration of the concerned Department. Counsel for respondents No. 2 to 4/Traffic Police, who is present in Court, is directed to enter appearance for Govt. of NCT of Delhi and obtain instructions from the government in this regard, so that, if the policy guidelines being framed are to be modified or any other relevant conditions are required to be incorporated therein, the same be incorporated on a one time basis. An affidavit shall also be filed by the Govt. of NCT of Delhi as to the status and scope of the aforesaid Bill.

A copy of the minutes of the meeting dated 23.02.2012 be furnished to Mr. Manjit Singh Ahluwalia, Advocate, who is appointed as Amicus Curiae to assist the Court in the matter.

List on 30th April, 2012 in the category of "Directions".