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

+ W.P.(C) 317/2017

VIRENDRA PANDEY

..... Petitioner

Through: Mr. S.K. Singh & Mr. Renu Singh,
Advocates

versus

NEW DELHI MUNICIPAL COUNCIL & ANR. Respondents

Through: Mr. Sri Harsha Peechara, Standing
Counsel with Mr. Mananjay Mishra
& Ms. Vidhi Jain, Advocates

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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15.09.2017

CM No.33387/2017(delay)

This is an application filed by the applicant/petitioner seeking condonation of 110 days delay in filing the present review petition.

Notice. Mr. Peechara learned counsel for the NDMC accepts notice. Counsel for the respondent does not oppose the application.

For the reasons stated in the application and in the interest of justice, delay of 110 days in filing the review petition is condoned.

The application stands disposed of.

RP No.379/2017

By this review petition, the petitioner seeks review of the order dated 18.04.2017.

Notice. Mr. Peechara, learned counsel for the NDMC accepts notice.

Learned counsel for the petitioner submits that necessity of this review petition has arisen on account of the fact that in the order dated 18.04.2017, inadvertently it has been mentioned that the name of the petitioner finds mentioned in the list of 628 street vendors prepared by the NDMC. He submits that based on this premise, the Court had directed the petitioner to be accommodated at Laxmibai Nagar. It is further contended that in view of the fact that the petitioner's name does not find mentioned in the list of 628 street vendors, but finds mention in the list of 126 street vendors, the petitioner prays that as and when a Town Vending Committee is constituted, his name should be considered in accordance with law and merely because he is not found vending at the site, should not be a ground to reject his case and in case at any point of time, the NDMC reallocates street vendors at another fresh site, the name of the petitioner may be considered.

Mr. Peechara, learned counsel for the New Delhi Municipal Corporation does not oppose the review petition, however it is submitted that the petitioner is not a regular squatter and cannot be granted any protection. It is submitted that should the petitioner makes an application with supporting documents before the TVC, the same would be considered in accordance with law and merely because the petitioner is not found squatting, that itself alone would not be a ground to reject the case of the petitioner.

Accordingly, the review petition is disposed of with the following agreed directions: -

- (i) The petitioner would approach the TVC as and when it is constituted with all the supporting documents;

- (ii) The TVC will consider the case of the petitioner in accordance with law and expeditiously after taking into consideration all the material placed on record;
- (iii) Merely because the petitioner is not found vending at the site when the survey is conducted, that by itself would not be a ground alone to reject the case of the petitioner.
- (iv) Order dated 18.04.2017 is recalled.

We make it clear that we have not expressed any opinion on the merits of the matter and this order is being passed without prejudice to the rights and contentions of both the parties.

The review petition is disposed of.

G.S.SISTANI, J

VINOD GOEL, J

SEPTEMBER 15, 2017

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