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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1947/2017**
CHANDER DEV CHAUDHARY

..... Petitioner

Through: Mr. V.K. Mishra, Adv. with Ms.
Radhika Dwivedi, Adv.

versus

**MUNICIPAL CORPORATION OF DELHI THROUGH: ITS
COMMISSIONER ,DELHI**

..... Respondent

Through: Mr. Kumar Rajesh Singh, SC for
EDMC/R-1
Inspector Ajay Kr., TI/Mandawali
Traffic Circle with SI Ram Tirath,
Pairvi Officer Traffic
Mr. Abhinav Singh, Adv. with Mr.
Vinod Kr. Goyal, Adv. for R-3

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **02.11.2017**

The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents not to interfere in his peaceful working and earning his livelihood. The petitioner claims to be a regular street vendor, copies of challans have been placed on record. The petitioner claims to be vending at the footpath near Chetana Apartment, Narwana Road, Madavli, Delhi. However, he has been removed in the month of November-December, 2016.

Notice was issued in the matter. Counsel for the EDMC and Delhi Police submits that all hawkers/street vendors who were vending at the main road and obstructing free flow of traffic and free movement of pedestrians have been removed. It is further submitted that the petitioner was not singled out. Counsel also contends that a uniform action was taken.

Counsel for the petitioner has drawn the attention of the Court to a photograph filed at page 86 of the paper book to show that he is only selling bread in a crate and occupying barely 1 ½ feet of area. Counsel for the petitioner submits that the petitioner would sell the food articles not from the spot in question but around the same area without obstructing either free flow of traffic or free movement of pedestrians. Counsel further submits, as and when the TVC is functional, the petitioner would make an application with all supporting documents and merely because he is not found vending at the sight, should not be a ground to reject his case.

The writ petition is disposed of accordingly.

G.S.SISTANI, J

V. KAMESWAR RAO, J

NOVEMBER 02, 2017/ak