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

+ W.P.(C) 1109/2017

JAGDISH KUMAR Petitioner
Through Mr.Dharmender Sharma, Adv. with
Ms.Monika Singh, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS..... Respondents
Through Mr.Sri Harsha Peechara, ASC, NDMC
with Mr.Mananjay Mishra & Mr.Shailja
Nandan Mishra, Adv. for NDMC.
Mr.Varun Nischal, Adv. for Delhi Police.

+ W.P.(C) 1135/2017

HARENDER PRASAD Petitioner
Through Mr.Dharmender Sharma, Adv. with
Ms.Monika Singh, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS..... Respondents
Through Mr.Sri Harsha Peechara, ASC, NDMC
with Mr.Mananjay Mishra & Mr.Shailja
Nandan Mishra, Adv. for NDMC.
Mr.Varun Nischal, Adv. for Delhi Police.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **08.02.2017**

C.M. Nos.5083/2017 & 5084/2017 (exemption) in W.P. (C) No.1109/2017,
C.M. Nos.5163/2017 & 5164/2017 (exemption) in W.P. (C) No.1135/2017

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

W.P. (C) No.1109/2017 and
W.P. (C) No.1135/2017

These two writ petitions are being disposed of by a common order with the consent of the parties.

The petitioners in these writ petitions claim to be squatters whose names find mentioned in the list of 628 street vendors prepared by the NDMC. The petitioners also claim that they were vending at different sites as mentioned below: -

Jagdish Kumar	Near Toilet, near Janpath Lane, Parliament Street, New Delhi
Harender Prasad	Near IOB, Janpath, New Delhi

The petitioners claim that they have been vending for many years and supporting documents have been filed. It is also the case of the petitioners that they have been removed on the ground that the sites in question are 'No Hawking/No Vending Zones'. The petitioners pray that till a final decision is taken in the matter by the Town Vending Committee, as an interim measure, they should be relocated so that there is no loss of livelihood.

Mr.Harsha, learned counsel for the NDMC, without admitting the averments made in the writ petitions, submits that the vendors were removed as the sites in question are 'No Hawking/No Vending Zones'. The NDMC is not allowing any hawker to vend at the 'No Hawking/No Vending Zones' except those vendors who hold licences are allowed to vend.

Learned counsels agree that the present writ petitions may be disposed of with the following agreed directions: -

- (i) The cases of the petitioners would be considered by the Town Vending Committee at the appropriate stage.
- (ii) Merely because the petitioners are not found vending when the survey is conducted, would not be a ground alone to reject their

case, in case the vendors produce supporting documents.

- (iii) As an interim measure, the petitioners would be granted alternate sites within six weeks from the date of receipt of this order subject to the petitioners filing supporting documents in their favour.

We make it clear that we have not expressed any opinion on the merits of these matters.

Both the petitions are disposed of.

Order *dasti* as prayed.

C.M. No.5085/2017 (for stay) in W.P. (C) No.1109/2017 and
C.M. No.5165/2017 (for stay) in W.P. (C) No.1135/2017

Applications stand disposed of in view of above.

G.S.SISTANI, J.

VINOD GOEL, J.

FEBRUARY 08, 2017/ka/