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

+ W.P.(C) 1080/2017

DEVESH SAAHU Petitioner

Through Mr. M.K. Srivastava, Advocate

versus

COMMISSIONER, SOUTH DELHI MUNICIPAL CORPORATION &
ORS. Respondents

Through Mr. Anurag Kumar, Advocate for
respondents no.1 and 2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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20.02.2017

Petitioner claims to be vending at local shopping complex, Pushpa Bhawan, Maharishi Balmiki Marg, Virat Road(near red light), New Delhi since the year 2000. A notice of warning was issued to the petitioner on 26.07.2003 by the South Zone of Municipal Corporation of Delhi. Counsel for the petitioner submits that a direction be issued to the Town Vending Committee (TVC) to consider the case of the petitioner. He submits that merely because the petitioner may not be found vending at the site should not be a ground for rejection of his case.

Counsel for the South Municipal Corporation, who enters appearance on an advance copy, submits that the photographs placed on record would show that the petitioner is found vending both at the footpath and the path abutting the main road at which place he cannot be allowed to vend. He submits that in case the petitioner fills up the prescribed form, his case shall be considered by the TVC expeditiously and merely because he is not found at the site would not be a ground for rejection of his case.

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

- (i) The petitioner would make a representation to the Town Vending Committee in the prescribed format with supporting documents when the survey is conducted by TVC;
- (ii) The Town Vending Committee will consider the case of the petitioner in accordance with law and expeditiously after taking into consideration all the material placed on record;
- (iii) In case when the survey is conducted and the petitioner is not found squatting at his site, that by itself would not be a ground to reject the case of the petitioner, if the petitioner is able to place relevant documents on record.

This order is being passed without prejudice to the rights and contentions of both the parties and without expressing any opinion on the merits of the matter.

The writ petition is disposed of.

G.S.SISTANI, J

VINOD GOEL, J

FEBRUARY 20, 2017

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