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

+ W.P.(C) 1131/2017

BADAMI DEVI Petitioner
Through Mr.Ramesh K. Mishra, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL Respondent
Through Mr.Sri Harsha Peechara, ASC, NDMC
with Mr.Mananjay Mishra & Mr.Shailja
Nandan Mishra, Adv.

CORAM:

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

ORDER

% **08.02.2017**

C.M. No.5154/2017 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P. (C) No.1131/2017

Petitioner claims to be a *tehbazari* holder and was vending at the backside of New Khanna Market, Lodhi Colony, New Delhi. The petitioner also claims that she was removed in the year 2009. Learned counsel for the petitioner submits that the petitioner has made all the attempts for an alternate site but has not been successful. The petitioner seeks a direction to the Town Vending Committee to consider her case as an existing vendor. It is further submitted that since the petitioner is not being allowed to squat and vend, in case a survey is conducted, the rights of the petitioner would be seriously affected.

Learned counsel for NDMC, who enters appearance on an advance copy, without admitting any of the averments made in the writ petition, submits that as

and when the survey is conducted, in case the petitioner makes an application in the prescribed format and files supporting documents, the Town Vending Committee would consider the case of the petitioner in accordance with law. Merely because the petitioner is not found squatting at the site at the time of survey, that would not be a ground alone to reject the case of the petitioner if the petitioner is able to place relevant documents on record.

In view of above, the writ petition is disposed of. We make it clear that we have not expressed any opinion on the merits of the matter.

G.S.SISTANI, J.

VINOD GOEL, J.

FEBRUARY 08, 2017/ka/