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

+ W.P.(C) 1198/2017

RAMESH CHAND Petitioner

Through Mr. Anand Shailani, Advocate

versus

NEW DELHI MUNICIPAL COUNCIL & ANR. Respondents

Through Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra and Ms. Vidhi Jain,
Advocates

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **17.02.2017**

Counsel for the petitioner submits that the petitioner is regularly squatting at near Gate No.2, Palika Bazar, Connaught Place, New Delhi. He submits that the petitioner was illegally removed by the officials of the respondent. He submits that in case a survey is conducted, the rights of the petitioner would be jeopardised if the petitioner is not found at the site in question.

Mr. Harsha Peechara, learned Additional Standing Counsel for the NDMC, without admitting the averments made in the writ petition, submits that the area in question is a no-squatting no-vending zone. He submits that the petitioner has no right to vend at the site.

At this stage, the learned counsel for the petitioner submits that when a survey is conducted, the petitioner would approach the Town Vending Committee with supporting documents and merely because he is not found vending should not be a ground to reject 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.

CM. APPL 5410/2017 (for stay)

Application stands disposed of in view of above.

G.S.SISTANI, J

VINOD GOEL, J

FEBRUARY 17, 2017

pst /
W.P.(C) 1198/2017