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

+ W.P.(C) 1116/2017

MAHBOOB

..... Petitioner

Through Mr.S.K.Singh, Adv. with
Ms.Renu Singh, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR Respondents

Through Mr.Sri Harsha Peechara, ASC, NDMC
with Mr.Mananjay Mishra & Mr.Shailja
Nandan Mishra, Adv. for R-1.
Mr.Devesh Singh, ASC with Mr.Vinod
Kumar Bhati, Adv. for GNCTD.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **08.02.2017**

C.M. No.5126/2017 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P. (C) No.1116/2017

Petitioner claims to be vending at Sarojini Nagar Market since the year 2007. Random copies of challans have been placed on record. The petitioner prays that he may be allowed to vend at the site in question without any hindrance or obstruction by the officials of the respondents.

Mr.Peechara, learned Addl. Standing Counsel for NDMC, who enters appearance on an advance copy, submits that according to his instructions, the petitioner is not a vendor and the copies of the challans having placed on record do not reflect that the petitioner has been vending since 2007, as claimed, neither the challans barring two challans reflect where the petitioner has been

vending and the two challans pertain to August, 2015 and January, 2017 respectively which would show that the petitioner has only started vending with a view to create some documentary evidence.

After some hearing, it is agreed between the parties that the present petition be 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 a survey is conducted and the petitioner is not found squatting at the 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.

C.M. No.5127/2017 (for stay)

Application stands disposed of in view of above.

G.S.SISTANI, J.

VINOD GOEL, J.

FEBRUARY 08, 2017/ka/