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

+ **W.P.(C) 1296/2017**

RAJ KARAN PATHAK AND ORS

..... Petitioners

Through **Mr. S.K. Singh and Ms. Renu Singh,**
Advocates

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR

..... Respondents

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

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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14.02.2017

CM.APPL 5949/2017(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 1296/2017

The petitioners claim to be squatting at the respective areas and the dates,
as detailed below:

Raj Karan Pathak	Opp. Shop no.167 and back side of Park, Sarojini Nagar Market	Since 1992
Rakesh Kumar	Opp. Shop no.11, Sarojini Nagar Market	Since 2001
Sunil Kumar	Opp. Shop no.71, Sarojini Nagar Market	Since 1994
Dilip Kumar Mishra	Opp. Shop no.170, Sarojini Nagar Market	Since 2000

Ashok Kumar	Opp. Shop no.19, Sarojini Nagar Market	Since 2002
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The petitioners also claim that they have been illegally removed from their respective sites. Copies of random challans have been placed on record in support of their contention. Mr. Singh, learned counsel for the petitioners submits that in case the petitioners are not found vending at the respective sites, their rights would be seriously jeopardised.

Mr. Peechara, learned Additional Standing Counsel for respondent NDMC, who appears on an advance copy, without admitting the averments made in the writ petition submits that in case the petitioners approach the Town Vending Committee(TVC) with supporting documents, their case would be considered.

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

- (i) The petitioners 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 petitioners 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 petitioners are not found squatting at their respective sites, that by itself would not be a ground to reject the case of the petitioners, if the petitioners are 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.

C.M. No.5950/2017 (for stay)

Application stands disposed of in view of above.

Dasti.

G.S.SISTANI, J

VINOD GOEL, J

FEBRUARY 14, 2017

pst /
W.P.(C) 1296/2017