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

\+ W.P.(C) 1219/2017

DHARMENDRA KUMAR AND ORS ..... Petitioners

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, Adv. for
NDMC.
Mr.Devesh Singh, ASC for GNCTD.

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

O R D E R

% 10.02.2017

C.M. No.5514/2017 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P. (C) No.1219/2017

Petitioners claim to be vending at different sites as mentioned below:-

Dharmendra Kumar	Near Gate No.2, Safdarjang Hospital
Vijay Pal	Near Gate No.2, Safdarjang Hospital
Beer Pal	Near Gate No.2, AIIMS
Shashi Bhushan Kumar	Near Gate No.2, Safdarjang Hospital
Netra Pal	Near Gate No.2, Safdarjang Hospital
Kailash	Near Gate No.1, Safdarjang Hospital

Pratap	Neat Gate No.4, Safdarjang Hospital
Ramjit	Near Gate No.5, Safdarjang Hospital

The petitioners also claim that they are being harassed and illegally removed from their respective sites.

Mr.Harsha, learned counsel for the NDMC, who enters appearance on an advance copy, without admitting the averments made in the writ petition, submits that the petitioners are not vending on the sites in question. They cannot be granted any protection.

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

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.5515/2017 (for stay)

Application stands disposed of in view of above.

G.S.SISTANI, J.

VINOD GOEL, J.

FEBRUARY 10, 2017/ka /