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

+ W.P.(C) 1615/2017

SUDHIR KUMAR JHA & ORS

..... Petitioners

Through Mr. B.S. Randhawa, Advocate

versus

EAST DELHI MUNICIPAL CORPORATION & ANR Respondents

Through Mr. Jagdish Sagar, Advocate for
respondent no.1.

Ms. Pratishtha Vij, Advocate for

Mr. Sanjoy Ghose, ASC for GNCTD.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V.KAMESWAR RAO

ORDER

% **22.02.2017**

CM.APPL 7247/2017(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C).1615/2017

Eleven petitioners claim to be hawking/vending opposite Akshardham Mandir, Noida Link Road, Main Road, Shahdara Zone, Delhi. The petitioners allege harassment at the hands of the officials of the respondents. Mr. Sagar, who enters appearance on an advance copy for respondent no.1, submits that the documents annexed with the petition do not support the case of the petitioners. He submits that the documents are misleading and the documents filed at page 43, in fact, does not pertain to any of the petitioners.

Counsel for the petitioners submits that in case the petitioners are removed, they would not be considered by the Town Vending Committee(TVC) as and when a survey is carried out and thus, their interest would be jeopardised. Learned counsel for the East Municipal Corporation, without admitting any of

the averments made in the writ petition, submits that the apprehensions of the petitioners are unfounded as simply because the petitioners are not found at the site in question, would not be a ground to reject their case, if they are able to submit the supporting documents.

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.

Dasti.

G.S.SISTANI, J

V.KAMESWAR RAO, J

FEBRUARY 22, 2017

pst /
W.P.(C) 1615/2017