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

+ W.P.(C) 1515/2017 & CM.APPL 6879/2017

SANTOSH KUMAR

..... Petitioner

Through Mr. Anand Shailani, Advocate

versus

SOUTH DELHI MUNICIPAL CORPORATION OF DELHI & ANR

..... Respondents

Through Ms. Reema Khorana, Advocate for
SDMC.

Ms. Niti Jain, Advocate for Mr. Anuj
Aggarwal, ASC for GNCTD

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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22.05.2017

Petitioner claims to be a regular squatter and has been squatting near Primary School, Qutumuddin Saheb Dargah, Mehrauli, New Delhi. He submits that he has been removed by the officials of respondent no.1. A short counter affidavit has been filed by the SDMC. Counsel for the SDMC submits that the petitioner is not a regular squatter. Counsel for the petitioner submits that at this stage, the petitioner would be satisfied if a directions is issued to the respondent to consider the case of the petitioner as and when the Town Vending Committee(TVC) is formed and merely because the petitioner is not found vending at the site that should not be a ground to reject his case.

Ms. Khorana, without admitting any of the averments made in the writ petitions, submits that the respondents would have no objection in case the TVC considers the case of the petitioner subject to petitioner filing requisite

documents and merely because the petitioner is not found vending at the site, that by itself would not be a ground alone to reject his case.

Based on the stand taken by the learned counsels for the parties, we dispose of the writ petition with the following agreed directions:-

- (i) In case the petitioner makes an application along with supporting documents to the Town Vending Committee, the TVC will consider the same in accordance with law.
- (ii) Merely because the petitioner is not found vending at the site when the survey is conducted, that by itself would not be a ground alone to reject his case.

This order is being passed without prejudice to the rights and contentions of the parties and without expressing any opinion on the merits of the matter.

The writ petition is disposed of accordingly.

CM.APPL 6879/2017 also stands disposed of.

G.S.SISTANI, J

NAVIN CHAWLA, J

MAY 22, 2017

pst /
W.P.(C) 1515/2017