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

+ **W.P.(C) 1722/2017**

DEEPAK AND ORS Petitioners

Through: Mr. Krishna K. Singh, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through: Ms. Reema Khorana, Advocate.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **27.02.2017**

CM.APPL 7694/2017 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 1722/2017

The petitioners claim to be street vendors, who were vending at Sewa Nagar Bazar, Prem Nagar Nallah, Central Zone, South Delhi Municipal Corporation, New Delhi. The complaint of the petitioners is that they were illegally removed during the Common Wealth Games, which were held in the year 2010.

Mr. Singh, learned counsel for the petitioners submits that the petitioners apprehend that as and when a survey is conducted and the petitioners are not found vending, they may not be considered for grant of licences.

Ms. Khorana, learned counsel for SDMC, who enters appearance on an advance copy, submits that out of few persons who were removed, 51

persons have filed the writ petitions which were dismissed. Out of the 51 petitioners, few petitioners filed LPA, in which the orders for providing alternate sites were made and the sites were provided. Subsequently, the LPAs were also dismissed on the ground of delay. Though the counsel has denied each and every averment made in the writ petition, however, she submits that because the petitioners are not found vending as and when a survey is conducted, that by itself would not be a ground to reject their claims, provided the petitioners are able to provide necessary supporting documents.

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

- (i) The cases of the petitioners would be considered by the Town Vending Committee at the appropriate stage.
- (ii) Merely because the petitioners are not found vending when the survey is conducted, would not be a ground alone to reject their case, in case the vendors produce supporting documents.

We make it clear that we have not expressed any opinion on the merit of the matter.

The writ petition is accordingly disposed of.

G.S.SISTANI, J

VINOD GOEL, J

FEBRUARY 27, 2017

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