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

+ **W.P.(C) 1983/2017**

AJAY PAL SINGH

..... Petitioner

Through: Mr. Anand Shailani, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR. Respondent

Through Mr.Sri Harsha Peechara, Adv. with
Mr.Mananjay Mishra and Ms.Vidhi Jain, Adv. for
NDMC.

Mr. Avtar Singh, Advocate with Ms. Sakshi
Narang, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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03.03.2017

CM.APPL 8773/2017 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 1983/2017 & CM No. 8772/2017 (directions)

Counsel for the petitioner submits that the petitioner has been continuously vending near NDMC Parking, Prithvi Raj Market, Khan Market, New Delhi. He submits that the respondents are threatening to remove him from the site in question. Learned counsel for NDMC, who enters appearance on an advance copy, has drawn the attention of the court to an order dated 12.02.2013 passed by this court, wherein it has been noticed that the name of the petitioner does not find mentioned even in the

larger list. He submits that the petitioner is not in the list of 628 persons prepared by the NDMC.

At this stage, Mr. Anand, learned counsel for the petitioner, submits that the name of the petitioner finds mentioned in the larger list of applicants. He submits that in case the petitioner is removed, serious prejudice would be caused to his rights for the reason that as and when a survey is conducted, he would not be found squatting. Counsel for the NDMC submits that the apprehension of the petitioner is unfounded. He submits that as and when a survey is conducted merely because the petitioner is not found vending at the site would not be a ground to reject his case provided he is able to produce other supporting documents.

In view of the stand taken by the learned counsel for the NDMC, the petition is disposed of, as agreed.

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

G.S.SISTANI, J

VINOD GOEL, J

MARCH 03, 2017

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