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

+ W.P.(C) 2088/2017

RAJINDER KUMAR

..... Petitioner

Through Mr.Dharmender Sharma, Adv. with
Ms.Monika Singh, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS..... Respondents

Through Mr.Sri Harsha Peechara, ASC, NDMC
with Mr.Mananjay Mishra & Ms.Vidhi
Jain, Advs. for R-1 & 2.
Mr.Pankaj Sinha, Adv. with Ms.Richa
Singh, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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06.03.2017

C.M. Nos.9127/2017 & 9128/2017 (exemption)

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

W.P. (C) No.2088/2017

Petitioner claims to be vending at the site opposite Shop No.7, M-Block, Outer Circle, Connaught Place, New Delhi. Copies of the challans have been placed on record in support of the submissions so made. Mr.Sharma, learned counsel for the petitioner submits that at this stage, the petitioner is restricting his prayer only to a direction to the NDMC that as and when a Town Vending Committee is constituted, the case of the petitioner may be considered in accordance with law.

Mr.Harsha, learned Standing counsel for NDMC, who enters appearance on an advance copy, submits that the allegations made and the contentions raised in the writ petition are not admitted and the petitioner be put to strict proof thereof. He submits that the copies of the challans placed on record would show that the petitioner has not been continuously vending at the site in question since 2003. He further submits that some of the challans are also a suspect.

With the consent of the parties, we dispose of this writ petition with the following directions:-

- (i) In case the petitioner makes an application to the Town Vending Committee, the TVC will consider the same in accordance with law. The TVC will also examine the supporting documents and reach the conclusion.
- (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 both the parties and without expressing any opinion on the merits of the matter.

The writ petition is disposed of accordingly.

C.M. No.9129/2017 (for stay)

Application stands disposed of in view of the order passed in the writ petition.

G.S.SISTANI, J.

VINOD GOEL, J.

MARCH 06, 2017/ka/