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

+ W.P.(C) 2155/2017 & C.M. No.9369/2017 (directions)

HARBANS LAL VERMA Petitioner
Through Mr.Anand Shailani, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ANR
..... Respondents
Through Mr.Vikas Chopra, Adv. for R-1.
Mr.Siddhartha Shankar Ray, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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08.03.2017

Learned counsel for the petitioner submits that the petitioner is a physically challenged person who has been vending opposite Shop No.385, underneath *Peepal* tree, Old Lajpat Rai Market, Delhi. He submits that the petitioner has been illegally removed by the respondents. He submits that as and when a survey is conducted, the petitioner will be put to severe prejudice in case he is not allowed to vend at the site.

None is present on behalf of the NDMC. We request Mr.Vikas Chopra, Advocate, who is present in Court, to appear in this matter. Mr.Chopra, without admitting any of the averments made in the writ petition, submits that should the petitioner approach the TVC with supporting documents, the same will be considered by the TVC in accordance with law and merely because the petitioner is not found vending at the site in question at the time of survey, would not be a ground to reject his case.

Accordingly, with the consent of the parties, we dispose of this 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 both the parties and without expressing any opinion on the merits of the matter.

The writ petition is disposed of accordingly.

Pending application also stands disposed of.

G.S.SISTANI, J.

VINOD GOEL, J.

MARCH 08, 2017/ka /