

\$~4

\*

+

**IN THE HIGH COURT OF DELHI AT NEW DELHI****W.P.(C) 2530/2017****SHRI BEJ NATH**

..... Petitioner

Through: Mr. Dharmender Sharma, Advocate with  
Ms.Monika Singh, Advocate.

versus

**NEW DELHI MUNICIPAL COUNCIL (NDMC) & ORS**

..... Respondents

Through: Mr.Sri Harsha Peechara, ASC with  
Mr.Mananjay Kumar Mishra and Ms.Vidhi Jain,  
Advocates for NDMC.

Mr. Siddharth Dutta, Advocate for R-3.

**CORAM:****HON'BLE MR. JUSTICE G.S.SISTANI****HON'BLE MR. JUSTICE VINOD GOEL****ORDER**

%

**28.04.2017**

This is a petition under Article 226 of the Constitution of India filed by the petitioner, who claims to be a street vendor; claims that he is in the list of 628 street vendors prepared by the NDMC; claims that he has been regularly squatting from Connaught Place opposite Shop No. ----(Nil) and Block No. ----- (Nil). The counsel for the petitioner at the outset submits that the petitioner prays that an alternate site may be allotted to him as he has been removed from the area from where he was squatting. Mr. Harsha Peechara, learned standing counsel for NDMC, submits that no doubt that name of the petitioner finds mentioned in the list of 628 street vendors but the petitioner has not been vending for the past many years. The site from where he is vending is also not established. Even the petitioner has left the

-4-

vending site blank in the memo of parties. It was left blank in the representation dated 15.09.2016 submitted to the NDMC and the challans placed on record also prima facie do not establish the place of vending.

Learned counsel for the petitioner, at this stage, submits that the petitioner will make an application to the NDMC and seek an alternate site. Learned counsel for NDMC submits that in case such an application is made, the respondent would consider the case of the petitioner having regard to certain norms of the NDMC after ascertaining as to whether the petitioner has been continuously squatting or not. Additionally Mr. Sharma submits that as and when Town Vending Committee is constituted the case of the petitioner should be considered by the Town Vending Committee unaffected by the fact as to whether the petitioner is found squatting at the site in question or not.

We have heard the learned counsel for the parties. Taking into consideration the stand of the parties, we dispose of the writ petition. In case, the petitioner makes a request to the NDMC, the same would be considered by the NDMC after being satisfied with respect to the documents and as to whether the petitioner is a regular squatter or not. As and when Town Vending Committee is constituted, it would consider the case of the petitioner having regard to the documents. Merely because the petitioner is not found vending at the site by itself would not be a ground alone to reject the case of the petitioner. The writ petition is disposed of.

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

**CM No. 10902/2017**

No orders are called for in view of the order passed in the writ

5

petition. Application is disposed of accordingly.

  
G.S.SISTANI, J.

  
VINOD GOEL, J.

APRIL 28, 2017  
"sk"