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

+ W.P.(C) 2323/2017

GAFFAR MANDAL

..... Petitioner

Through Mr.Dharmender Sharma, Adv.

versus

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

Through Mr.Sri Harsha Peechara, ASC, NDMC
with Ms.Vidhi Jain, Adv. for R-1 & 2
along with Mr.Narayan Kumar, ALO,
NDMC, in person.

Mr.Santosh Kr. Tripathi, ASC with
Mr.Rizwan, Adv. for R-3.

Mr.Ashish Mohan, Adv. with Mr.Mohit
Kumar, Adv. for Sarojini Nagar Market
Association.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **15.03.2017**

C.M. Nos.9961/2017 & 9962/2017 (exemption)

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

W.P. (C) No.2323/2017

Petitioner claims to be vending at the site, i.e. opposite Petrol Pump, near Chanakya Cinema, Chanakya Puri, New Delhi. Copies of random challans have been placed on record. Learned counsel for the petitioner submits that the petitioner would be satisfied in case a direction is issued to the Town Vending Committee to consider the case of the petitioner in accordance with law and also

in case the petitioner is not found vending at the spot, that should not be a ground alone to reject the case of the petitioner.

Mr.Peechara, learned Standing counsel for NDMC, who enters appearance on an advance copy, without admitting the averments made in the writ petition, submits that as and when the TVC is formed, in case the petitioner approaches the TVC with supporting documents, the case of the petitioner would be considered by the TVC in accordance with law and merely because the petitioner is not found vending at the site in question, that would not be a ground to reject his case.

In view of the statement made by the learned Standing counsel for NDMC, the present petition is accordingly disposed of. 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.

C.M. No.9963/2017 (for stay)

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

G.S.SISTANI, J.

VINOD GOEL, J.

MARCH 15, 2017/ka/