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

+ W.P.(C) 5464/2016

RAVI KARAN

..... Petitioner

Through Mr.Athar Alam, Adv. with Mr.Azhar Alam and Mr.Haider Ali, Advs.

versus

STATE (NCT OF DELHI) AND ORS

..... Respondents

Through Mr.Siddharth Dutta, Adv. for R-1 & 2.

Mr.Neeraj Kr. Singh, Adv. for SDMC.

Mr.Sanjeev Sabharwal, Adv. with Mr.Hem Kumar, Adv. for DDA.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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09.02.2017

The petitioner claims to be carrying on his business of mobile accessories shop at space marked near Building No.70, Microsoft Building and nearby area at Nehru Place since the year 2001.

Being aggrieved by the harassment by the police and officials of SDMC has led to the filing to the present writ petition.

In the order dated 19th August, 2016 it was noticed that the petitioner was not in a position to substantiate his submission that he is vending from the disputed site since 2007 as all the documents which were filed are prosecution challans of January, 2016. Subsequently, copies of various challans have been placed on record.

Learned counsel appearing on behalf of the SDMC points out that the

challans filed do not pertain to the petitioner, the challans pertain to a different trade i.e. photocopy shop at the first floor of Kundan House, Nehru Place. At this stage, learned counsel for the petitioner submits that the petitioner would approach the Town Vending Committee and place all the relevant documents on record. He further submits that merely because he is not vending at the spot may not be treated as a ground to reject his case as and when a survey is conducted. Counsel for the NDMC has no objection. Resultantly the present petition is disposed of with the following directions:

- i) The petitioner would approach the Town Vending Committee and place all the documents on record.
- ii) Town Vending Committee would consider the case of the petitioner and decide the same in accordance with law.
- iii) Merely because the petitioner is not found at the site during any survey would not be ground alone to reject the case of the petitioner.

The petition is disposed of in the above terms. We make it clear that we have not expressed any opinion on the merit of the case.

G.S.SISTANI, J.

VINOD GOEL, J.

FEBRUARY 09, 2017/jitender