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

+ **W.P.(C) 3187/2017**

SHIV MURAT

..... Petitioner

Through: **Mr. S.K. Singh & Ms. Renu Singh,**
Advocates

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR..... Respondents

Through: **Mr. Sri Harsha Peechara, Standing**
Counsel with **Mr. Mananjay Mishra,**
Mr. Chetan Sharma & Ms. Vidhi Jain,
Advocates for respondent No.1

Mr. Rajat Malhotra & Mr. Sunil
Malhotra, Advocates for respondent
No.2

Mr. Ashish Mohan & Mr. Mohit
Kumar, Advocates for Sarojini Nagar
Market Association

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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01.09.2017

This is a petition filed by the petitioner under Article 226 of the Constitution of India.

The petitioner claims to be a street vendor, who is vending opposite Shop No.2, Mini Market, Sarojini Nagar Market, New Delhi. The challans for the year 2003-2004 have been placed on record. The petitioner also claims that his name finds mentioned in the list of 126 street vendors has been prepared by the New Delhi Municipal Council ('NDMC'). The petitioner prays for an alternate site, as he stands removed by the officials of the NDMC.

Mr. Sri Harsh Peechara, learned Standing Counsel for respondent

No.1 does not admit the averments made in the writ petition. He also does not admit the authenticity of the documents placed on record. Mr. Peechara also contends that the petitioner is not a regular squatter. However, he submits that, should the petitioner approach the NDMC with supporting documents, the NDMC would consider the grant of an alternate site. However, it is stated that for the present, the respondent No.1 is only considering those persons for allotment of alternate sites whose names find mentioned in the list of 628 street vendors. However, as and when a site is available and if the petitioner is eligible, his case would be considered.

Based on the stand taken by the learned counsels for the parties, we dispose of the 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 the parties and without expressing any opinion on the merits of the matter.

The writ petition is disposed of accordingly.

G.S.SISTANI, J

CHANDER SHEKHAR, J

SEPTEMBER 01, 2017/tp