

\$~14

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

+ W.P.(C) 3511/2017

LEELA WATI

..... Petitioner

Through Mr. N.K. Sahoo, Advocate

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through Mr. Sri Harsha Peechara, Standing
Counsel with Mr. Mananjay Mishra and
Mr. Chetan Sharma, Advocates for
NDMC.
Ms. Jyoti Taneja and Mr. Hammad Khan,
Advocates for GNCTD/respondent no.2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

%

24.08.2017

Petitioner claims that she is squatting in front of A-12, Rodeo Hotel, A-Block, Connaught Place, New Delhi since 1972 and has been selling Gujarati handicrafts items. It is also claimed that she was found vending during inspection of the Enforcement Department carried out by New Delhi Municipal Council (NDMC) on 10.09.2015. Mr. Sahoo submits that the petitioner has been agitating enforcement of her rights by filing writ petition in the Supreme Court of India in 1991, also approached the Zonal Vending Committee in the year 1992, where no order was passed and even approached the Appellate Authority where the appeal was disposed of.

Mr. Harsha Peechara learned Standing Counsel submits that the site in question is a 'no-squatting', 'no-vending zone' and no permission can be granted to the petitioner. Mr. Sahoo, however, submits that the site in question

is a vending zone, similarly situated persons including the petitioner has been vending for the past many years without any disturbance and obstructions. Without admitting any of the averments made in the writ petition, it is submitted that should the petitioner make an application with supporting documents before the TVC, the same would be considered in accordance with law and merely because the petitioner is not found squatting, that itself alone would not be a ground to reject the case of the petitioner.

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 her 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

AUGUST 24, 2017

pst /
W.P.(C) 3511/2017