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

+ W.P.(C) 3604/2017

RAM KUMAR UPADHYAY @ RAMU Petitioner
Through Ms.Monika Singh, Adv. with
Mr.Dharmender Sharma, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION (SDMC) & ANR
..... Respondents
Through Ms.Reema Khorana, Adv. for R-1.
Mr.Ravi Chaturvedi, Adv. with
Ms.Renu Chauhan, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **26.04.2017**

C.M. Nos.15841/2017 & 15842/2017 (exemption)

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

W.P. (C) No.3604/2017

Petitioner has filed the present petition under Article 226 of the Constitution of India seeking an appropriate writ of Mandamus directing the South Delhi Municipal Corporation (SDMC) for issuance of a *tehbazari* licence to the petitioner. As per the petitioner, he has been running his stall since 2000 on the basis of *tehbazari* at the site, i.e. near Kalkaji Metro Station, Kalkaji Temple Marg, New Delhi.

Learned counsel for the petitioner submits that the petitioner has been removed by the officials of the respondents. Counsel submits that at this stage,

the petitioner would be satisfied if a direction is issued that as and when a TVC is constituted, the petitioner should be considered and merely because he is not found vending at the site at the time of survey, that should not be a ground to reject his case.

Notice. Learned counsels for the respondents, who appear on an advance copy, accept notice. Without admitting any of the averments made in the writ petition, learned counsel for SDMC/respondent No.1 submits that as and when a TVC is constituted and in case the petitioner is able to place relevant documents on record, the TVC will consider the case of the petitioner in accordance with law and merely because the petitioner is not found vending at the site at the time of survey, that would not be a ground to reject his case.

Accordingly, the writ petition is disposed of on the above terms. We make it clear that we have not expressed any opinion on the merits of the matter.

C.M. No.15843/2017 (for stay)

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

G.S.SISTANI, J.

VINOD GOEL, J.

APRIL 26, 2017/ka /