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

+ **W.P.(C) 4294/2017**

RAM DAS SINGH Petitioner

Through Mr.Dharmender Sharma, Adv.

versus

SOUTH DELHI MUNICIPAL COUNCIL & ANR Respondents

Through Mr.Mukesh Gupta, Standing Counsel for
SDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **17.05.2017**

C.M. Nos.18739/2017 & 18740/2017 (exemption)

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

W.P. (C) No.4294/2017

This is a petition under Article 226 of the Constitution of India filed by the petitioner who claims to be vending at the site, i.e. near HDFC Bank and CNG Pump, Nehru Enclave, Kalkaji, New Delhi. It is also the case of the petitioner that his possession has been disturbed and he is being obstructed by the officials of the respondents.

Learned counsel for the petitioner at the outset submits that the petitioner would be satisfied at this stage if a direction is issued to the respondents to consider his case as and when Town Vending Committee starts functioning and merely because he is not found vending at the site that may not be a ground to reject his case.

Notice. Learned counsel for respondent No.1/SDMC, who enters appearance on an advance copy, accepts notice. Without admitting any of the averments made in the writ petition, counsel submits that the respondents would have no objection in case the TVC considers the case of the petitioner subject to petitioner's filing requisite documents and merely because the petitioner is not found vending at the site, that by itself would not be a ground alone to reject his case.

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

The writ petition is disposed of accordingly.

C.M. No.18741/2017 (for stay)

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

G.S.SISTANI, J.

C.HARI SHANKAR, J.

MAY 17, 2017/ka /