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

+ W.P.(C) 4250/2017

MOHAN LAL & ORS

..... Petitioners

Through Mr.S.K.Singh, Adv. with
Ms.Renu Singh, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR.... Respondents

Through Mr.D.K.Sharma, Adv. for NDMC.

+ W.P.(C) 4081/2017

LAL BAHADUR & ANR

..... Petitioners

Through Mr.S.K.Singh, Adv. with
Ms.Renu Singh, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR.... Respondents

Through Ms.Mini Pushkarna, Standing Counsel
with Ms.Vasundhara Nayyar &
Ms.Anushruti, Advs. for NDMC.

+ W.P.(C) 4083/2017

ANIL SINGH

..... Petitioner

Through Mr.S.K.Singh, Adv. with
Ms.Renu Singh, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR.... Respondents

Through Ms.Mini Pushkarna, Standing Counsel
with Ms.Vasundhara Nayyar &
Ms.Anushruti, Advs. for SDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE REKHA PALLI

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ORDER

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16.05.2017

C.M. No.18547/2017 (exemption) in W.P. (C) No.4250/2017

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P. (C) Nos.4250/2017, 4081/2017 & 4083/2017

Present petitions have been filed under Article 226 of the Constitution of India by the petitioners who claim to be street vendors squatting at various sites as detailed in their respective writ petitions. It is also the case of the petitioners that their possession is being disturbed and they are being obstructed by the officials of the respondents.

Learned counsel for the petitioners submits that at this stage, the petitioners would be satisfied if a direction is issued to the respondents to consider their case as and when Town Vending Committee starts functioning and merely because they are not found vending at the sites at the time of survey, that may not be a ground to reject their case.

Notice. Learned counsels for respondent No.1 (NDMC in W.P. (C) Nos.4250/2017 & 4081/2017 and SDMC in W.P. (C) No.4083/2017), who enter appearance on an advance copy, accept notice. Without admitting any of the averments made in the writ petitions, counsels submit that the respondents would have no objection in case the TVC considers the case of the petitioners subject to petitioners' filing requisite documents and merely because the petitioners are not found vending at the sites, that by itself would not be a ground alone to reject their case.

Based on the stand taken by the learned counsels for the parties, we dispose of these writ petitions with the following agreed directions:-

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- (i) In case the petitioners make an application(s) along with supporting documents to the Town Vending Committee, the TVC will consider the same in accordance with law.
 - (ii) Merely because the petitioners are not found vending at their respective sites when the survey is conducted, that by itself would not be a ground alone to reject their 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 matters.

The writ petitions are disposed of accordingly.


G.S.SISTANI, J.


REKHA PALLI, J.

MAY 16, 2017/ka

W.P.(C) 4250/2017 & others