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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4270/2017

KANWAR PAL

..... Petitioner

Through: Mr. N.K. Sahoo, Advocate

versus

NEW DELHI MUNICIPAL COUNCIL & ANR. Respondents

Through: Mr. Sri Harsh Peechara, Standing
Counsel with Mr. Mananjay Mishra
& Mr. Chetan Sharma, Advocates for
respondent No.1

Mr. Siddharth Shankar Ray, Advocate
for respondent No.2

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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25.09.2017

This is petition under Article 226 of the Constitution of India filed by the petitioner seeking a writ of *mandamus*, directing the respondents to restore his possession for squatting near Shop No.1, Chowk near NDMC Toilet, Sarojini Nagar Market, New Delhi, till a vending certificate is issued to him.

Mr. N.K. Sahoo, learned counsel for the petitioner submits that the petitioner is a regular street vendor and he has been vending in the Sarojini Nagar Market for the past many years. In support of his submission, copies of the challans pertaining to the years 2007, 2012, 2013, 2015 and 2016 have been placed on record. Additionally, Mr. Sahoo submits that the name of the petitioner finds mentioned in the list of 628 street vendors prepared by the NDMC.

Mr. Sri Harsh Peechara, learned Standing Counsel for the NDMC submits that, since the petitioner was blocking the right of way of the pedestrians and was squatting outside public toilet, he was removed in the month of October, 2016. It is further contended that, having regard to the fact that he is a regular squatter and his name finds mentioned in the list of 628 street vendors, an alternate site would be provided to him at Laxmibai Nagar.

Having regard to the submission made, we dispose of the writ petition. In case the petitioner accepts the offer, alternate site would be provided to him within a period of two weeks from today. Needless to say that as and when a Town Vending Committee ('TVC') becomes functional, the case of the petitioner would be considered by the TVC on the petitioner's furnishing all the relevant documents. The TVC would consider the case of the petitioner expeditiously, as he claims that he has been squatting for a long time. Merely because the petitioner is not found vending at the site when the survey is conducted, that by itself would not be a ground to reject his case. This direction is being issued passed without prejudice to the rights and contentions of both the parties and without expressing any opinion on the merits of the matter.

Dasti.

G.S.SISTANI, J

CHANDER SHEKHAR, J

SEPTEMBER 25, 2017