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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4364/2017 & CM 19048/2017**
MAHAVEER Petitioner
Through: Mr.S.K.Singh, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL Respondent
Through: Mr.Harsha Peechara, ASC with
Mr.Mananjay Mishra, Adv.

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **19.05.2017**

CrI.M.A. 19048/2017

Exemption allowed subject to all just exceptions.

WP(C) 4364/2017

This is a petition under Article 226 of the Constitution of India filed by the petitioner. The petitioner claims to be a street vendor and carrying out his vending activities near Gate No.5, Safdarjang Hospital. 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. Mr.S.K.Singh, learned counsel for the petitioner at the outset submits that the petitioner would be satisfied at this stage if a direction is issued to be 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. Mr. Harsha, learned counsel accepts notice for the NDMC. 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 petitioners'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.

G.S.SISTANI, J

NAVIN CHAWLA, J

MAY 19, 2017
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