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

+ W.P.(C) 4889/2017

ABDUL RAOOF@ABDUL RAUF@A. RAUF Petitioner
Through Mr.Kunwar M. Khan, Adv.

versus

MUNICIPAL CORPORATION OF DELHI & ANR Respondents
Through Ms.Monika Arora, Adv. with Mr.Kushal
Kumar, Adv. for R-1.
Mr.Sachin Nahar, Adv. for R-2 along
with SI Deepak Kumar, PS Kotwali, in
person.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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27.07.2017

The petitioner claims to be vending at Dangal Maidan Parking, Sulabh Sauchalaya, Old Delhi Kotwali, Central Delhi. Challans for the years 2014, 2016 & 2017 have been placed on record.

After some hearing, Mr.Khan submits at this stage that the petitioner would be satisfied in case a direction is issued to the respondents that the name of the petitioner may be considered by the Town Vending Committee ("TVC") as and when it becomes functional, and merely because he is not found vending at the spot at that time, that should not be a ground to reject his case.

Learned counsel for respondent No.1/MCD enters appearance on an advance copy. Without admitting any of the averments made in the writ petition, he submits that in case the petitioner applies to the TVC, his case would be considered subject to his placing relevant documents on record and merely

because he may not be found vending at that point of time, that itself would not be a ground alone to reject his case.

Accordingly, with the consent of 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.

CHANDER SHEKHAR, J.

JULY 27, 2017/ka /