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

+ W.P.(C) 4774/2017

PURAN PANIYANI

..... Petitioner

Through Mr. Shivom Garg, Advocate

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR

..... Respondents

Through Mr. Vishal Chadha, Advocate for
respondent no.1/SDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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05.09.2017

The petitioner claims to be a regular squatter and is carrying on his vending activities on the pavement of Sehgal Market- I, Greater Kailash, Part-II, New Delhi. He submits that the officials of the respondents are not allowing him to carry out his trade and business and his livelihood is being affected.

At this stage, the learned counsel for the petitioner submits that a direction be issued to permit the petitioner to approach the Town Vending Committee(TVC) as and when it is constituted with all supporting documents and merely because he is not found vending at the site should not be a ground to reject his case.

Mr.Vishal Chadha, learned counsel for the SDMC disputes each and every averments made in the writ petition. He submits that the petitioner is not a regular squatter and cannot be granted any protection. It is submitted that should the petitioner make an application with supporting documents before the TVC, the same would be considered in accordance with law and merely because the petitioner is not found squatting, that itself alone would not be a ground to reject the case of the petitioner.

Accordingly, the present petition is disposed of with the following agreed directions: -

- (i) The petitioner would approach the TVC as and when it is constituted with all the supporting documents;
- (ii) The TVC will consider the case of the petitioner in accordance with law and expeditiously after taking into consideration all the material placed on record;
- (iii) 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.

We make it clear that we have not expressed any opinion on the merits of the matter and this order is being passed without prejudice to the rights and contentions of both the parties.

The writ petition is disposed of.

CM. APPL No.20707(stay)

The application stands disposed of in view of above.

G.S.SISTANI, J

CHANDER SHEKHAR, J

SEPTEMBER 05, 2017

pst /
W.P.(C) 4774/2017