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

+ W.P.(C) 4589/2017

SUNIL MISHRA AND ORS

..... Petitioners

Through Mr. S.K. Singh and Ms. Renu Singh,
Advocates

versus

NORTH DELHI MUNICIPAL CORPORATION (NDMC) AND ANR

..... Respondent

Through Mr. Sunil Goel, Standing Counsel for
North Municipal Corporation/respondent
no.1.
Mr. Sachin Nahar, Advocate for
respondent no.2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE PRATHIBA M. SINGH

ORDER

% **24.05.2017**

CM.APPL. No.20039/2017 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

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Petitioners claim to be vending at different sites in Karol Bagh as detailed in the memo of parties. Learned counsel for the petitioners submits that the petitioners restrict their prayer only to the extent that as and when the Town Vending Committee(TVC) is constituted and the survey is carried out, the names of the petitioners should be considered for grant of licence. Mr. Singh, learned counsel appearing for the petitioners submits that should any of the petitioners be not found vending at the site, that itself should not be a ground to reject their case. Learned counsel for the petitioners also submits that by an

order dated 29.04.2011 passed in W.P.(C).2785/2011, copy of which has been placed on record, the petitioners were protected.

Counsel for the respondents, who enter appearance on an advance copy, without admitting any of the averments made in the writ petitions, 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 site, 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 the writ petition with the following agreed directions:-

- (i) In case the petitioners make 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 petitioners are not found vending at the site 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 matter.

The writ petition is disposed of accordingly.

G.S.SISTANI, J

PRATHIBA M. SINGH, J

MAY 24, 2017

pst /
W.P.(C) 4589/2017