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

+ **W.P.(C) 4710/2017**

SHRI BASANT LAL & ORS. Petitioners
Through **Mr. Manish Srivastava and Mr. Aditya Gupta, Advocates**

versus

**NORTH DELHI MUNICIPAL CORPORATION
AND ANR** Respondents
Through **Mr. Ajjay Anaraa, Advocate for
NDMC/R-1**

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER
% **30.08.2017**

17 petitioners claim to be regular squatters who are stated to be vending at S.P.M. Marg, New Delhi–110006. Copies of their respective challans have been placed on record. For the sake of convenience, the details of the year of the challans of each of the petitioners and their names are mentioned below in the tabulated form:-

Sl. No.	Name of the Petitioner	Year of the Challan(s)
1	Basant Lal	2001, 2006, 2007, 2009-2011, 2015, 2017
2	Rama Kant	2014, 2015
3	Puneet Kumar	2014, 2015
4	Rishi Kumar	2014, 2015
5	Hem Lata Gupta	2004, 2015

6	Deen Dayal	2002, 2003, 2007
7	Satpal Singh	2001, 2003, 2015
8	Tinku	2001, 2005, 2015
9	Harisharan Kumar	2013, 2015
10	Subhash Chand	1999, 2001, 2006
11	Biresh Kumar	2007, 2015, 2016
12	Raju	2003, 2007
13	Govind Kumar	2008, 2016
14	Mohit Gupta	2002, 2004, 2015
15	Roshan Singh	2007, 2016
16	Prem Shankar	2015
17	R Nanhe	2014, 2015

Relying on the aforesaid challans, learned counsel for the petitioners submits that the petitioners are required to be protected under Section 3(3) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. He, however, submits that the petitioners are being harassed by the respondents and they are not being allowed to engage in their daily activities.

Learned counsel for the petitioner submits at this stage that the petitioners would be satisfied in case a direction is issued that the name of the petitioners may be considered by the Town Vending Committee (TVC) as and when it becomes functional and merely because they are not found vending should not be a ground to reject their case.

Mr. Ajjay Anaraa, learned counsel appearing for respondent no.1 submits that petitioners are not regular squatters. They are illegally squatting at the site in question. Counsel without admitting the averments made in the writ petition, submits that the petitioners are not vending at the site in question. They cannot be granted any protection.

At this stage, the learned counsel for the petitioners submits that when a survey is conducted, the petitioners would approach the Town Vending Committee with supporting documents and merely because they are not found vending should not be a ground to reject their case.

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

- (i) That the petitioners would make a representation to the Town Vending Committee (TVC) in the prescribed format with supporting documents as and when it is functional;
- (ii) The Town Vending Committee will consider the case of the petitioners in accordance with law and expeditiously after taking into consideration all the material placed on record;
- (iii) In case when the survey is conducted and the petitioners are not found squatting at their respective sites, that by itself would not be a ground to reject the case of the petitioners, if the petitioners are able to place relevant documents on record.

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.

C.M. No.20473/2017 (for stay)

In view of above, the application stands disposed of.

G.S.SISTANI, J

CHANDER SHEKHAR, J

AUGUST 30, 2017/b