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

+ W.P.(C) 4699/2017

SUMIT KUMAR Petitioner

Through Mr. Dharmendra Sharma and Ms. Monika
Singh, Advocates

versus

SOUTH DELHI MUNICIPAL CORPORATION (SDMC) & ANR

..... Respondent

Through Mr. G.D. Mishra, Standing Counsel for
respondent no.1.
Ms. Neelam Singh, Advocate for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% 26.05.2017

C.M.APPL No.20430-20431/2017 (exemption)

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

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Petitioner claims to be carrying out vending activities since 2012 at the footpath of IIT Gate, New Delhi. He submits that he has been illegally removed by the officials of respondent no.1. Learned counsel for the petitioner submits at this stage the petitioner would be satisfied in case a direction is issued 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 should not be a ground to reject his case.

Learned counsel for the respondents enters appearance on an advance

copy. Without admitting any of the averments made in the writ petition, 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.

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 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 the parties and without expressing any opinion on the merits of the matter.

The writ petition is disposed of accordingly.

CM.APPL 20432/2017 also stands disposed of in view of above.

G.S.SISTANI, J

REKHA PALLI, J

MAY 26, 2017

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