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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5164/2017

GOURI LAXMAN

..... Petitioner

Through

Mr. N.K. Sahoo and Mr. S.B. Sahoo,
Advocates

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR

..... Respondents

Through

Mr. Mananjay Kumar Mishra, Ms. Vidhi
Jain and Mr. Chetan Sharma, Advocates
for NDMC/respondent no.1.

Mr. Avtar Singh and Mr. Vijender Singh,
Advocates for respondent no.2.

Mr. Devesh Singh, ASC with Ms. Neelam
Choliya, Advocate for respondent no.3.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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26.07.2017

Petitioner claims that she was vending near Indian Oil Building, Janpath, New Delhi since 1990 and she continues to vend at the site, however, in the month of December, 2016 the respondent threatened to remove her from the site in question.

Counsel for the respondents refutes the averments made in the writ petition and submits that the petitioner is not a regular vendor and her name does not find mention in the list of 628 eligible persons.

After some hearing, Mr. Sahoo 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 she is not found vending should not be a ground to reject her case.

Learned counsel for the respondent 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 her 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 22056/2017 stands disposed of.

G.S.SISTANI, J

CHANDER SHEKHAR, J

JULY 26, 2017

pst /
W.P.(C) 5164/2017