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

+ **W.P.(C) 5124/2017 & CM No.21875/2017**

RAJU SINGH

..... Petitioner

Through: Mr.Anand Shailani, Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR..... Respondents

Through: Mr.Sri Harsha Peechara, ASC for
R-1.

Mr.N.S. Arora, Advocate for R-2.

Mr.Ashish Mohan, Advocate for
Sarojini Nagar Market Assocn.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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31.05.2017

By this petition under Article 226 of the Constitution of India, the petitioner seeks direction to respondent No.1 to allow him to squat at the site opposite Shop No.137, Near STD Booth, Sarojini Nagar Market, New Delhi.

The petitioner also submits that his name finds mention in the list of 628 street vendors prepared by the NDMC. Petitioner complains that he is not being allowed to squat by the official of the respondent No.1.

Mr.Peechara, counsel for respondent No.1 enters appearance. He submits that the petitioner has not been squatting since 2013,

though he attempted to squat in the year 2016, but was removed.

Given this situation, Mr.Peechara submits that as and when the TVC is constituted the name of the petitioner will be considered on his furnishing supporting documents and merely because he is not found squatting at the site would not be a ground to reject his case.

Learned counsel for the petitioner submits that binding the respondent No.1-NDMC to the statement made in Court, the petition, may be disposed of.

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.

We make it clear that we have not make any observation on the merits of the matter.

The writ petition is disposed of accordingly.

CM No.21875/2017 also stands disposed of.

G.S.SISTANI, J

REKHA PALLI, J

MAY 31, 2017/gm