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

+ W.P.(C) 5060/2017

SITA RAM

..... Petitioner

Through: Mr.Anand Shailani, Advocate

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through: Mr.Sunil Dalal, Mr.Vivek Jain and  
Ms.Manasi Agarwal, Advocates  
SI Vipin Kumar, PS Kotwali

**CORAM:**

**HON'BLE MR. JUSTICE G.S.SISTANI**

**HON'BLE MR. JUSTICE CHANDER SHEKHAR**

**ORDER**

% **11.10.2017**

This is a petition under Article 226 of Constitution of India. The petitioner claims to be a regular street vendor and is vending near shops No.198 and 153, Keshri Chowk, Old Lajpat Rai Market, Delhi. Alongwith the petition, the petitioner has placed challans pertaining to the years 1992, 1997, 2002, 2004, 2008, 2011, 2013, 2016 and 2017. The complaint of the petitioner is that despite the fact that he is a regular street vendor, the officers of the respondents are continuously harassing him and are not allowing him to carry out his daily activities.

Learned counsel for the respondents submits that the area in question is 'no hawking', 'no vending' zone and the respondents have been continuously making efforts to clear the area of illegal encroachers and vendors. It is further contended that even after the petitioner was removed,

he returns back to the area in question.

Mr.Shailani, counsel for the petitioner submits that besides the petitioner there are number of vendors, who are occupying the area in question, however, the petitioner has been singled out. He further submits that the respondents cannot follow a pick and choose policy. Learned counsel submits that the present writ petition may be disposed of at this stage with leave to the petitioner to approach the Town Vending Committee as and when it is functional. Counsel further seeks a direction to the respondents that in case the petitioner is not found vending, that should not be a ground for the TVC to reject his case.

Learned counsel for the respondents submits without admitting any of the averments made in the writ petition, they have no objection. It is contended that as and when TVC is functional, in case the petitioner makes a representation with supporting documents, the case of the petitioner would be considered in accordance with law and merely because he is not found vending, that would not be a ground to reject his case.

With the aforesaid agreed terms, the writ petition stands disposed of.

**G.S.SISTANI, J**

**CHANDER SHEKHAR, J**

**OCTOBER 11, 2017**

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