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

+ **W.P.(C) 5163/2017**

BHIM SEN

..... Petitioner

Through: Mr.Dharmender Sharma, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION (SDMC) & ANR

..... Respondents

Through: Mr.Neeranjan Das, Advocate for R-1.
Mr.Rajat Malhotra & Mr.Sunil
Malhotra, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **31.05.2017**

CM Nos.22053 & 22054/2017

Exemption allowed subject to just exceptions.

The applications stand disposed of.

CM No.22053/2017

Dismissed as not pressed.

W.P.(C) 5163/2017

This is a petition under Article 226 of the Constitution of India. The petitioner claims that he was running his stall since 2010 Opposite Arya Samaj Mandir, Near Double Storey Building, Behind Park Kalkaji, Delhi.

Counsel for the petitioner submits that at this stage, the petitioner would be satisfied if the direction is issued to the

respondent No.1 to consider the case of the petitioner as and when the TVC is constituted on the petitioner submitting the requisite documents.

Learned counsel for respondent No.1 enters appearance. 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:-

- (v) 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.
- (vi) 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 expressed any opinion on the merits of the case.

The writ petition is disposed of accordingly.

G.S.SISTANI, J

REKHA PALLI, J

MAY 31, 2017/gm