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

+ W.P.(C) 5162/2017 & CM.APPL 22051/2017(stay)

MOHD. VARIS & ANR.

..... Petitioners

Through Mr. Kamlesh Kumar Mishra and
Mr. Vishal Kalra, Advocates

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS. Respondents

Through Mr. Mukesh Gupta, Standing Counsel for
respondent no.1/SDMC.
Mr. Ikrant Sharma and Mr. Kulbhushan,
Advocates for respondents no.2 to 3.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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24.08.2017

Petitioners claim to be street vendors squatting near IFFCO Office, Nehru Place, New Delhi. Mr. Mishra submits that names of both the petitioners find mentioned in the draw of lots held in 2009, however, no site has been allotted to them.

Mr. Gupta enters appearance on behalf of the SDMC and disputes the averments made in the writ petition. He submits that the matter pertaining to street vendors was taken up by the Supreme Court of India and in view of the orders passed by the Supreme Court of India, no allotment was made. Mr. Gupta further submits that after coming into effect the Street Vendors (Protection of Livelihood and Regulations of Street Vending) Act, 2014, the allotment can only be made by the Town Vending Committee(TVC) and no final allotments were made pursuant to the draw of lots held due to non-clearance by the Delhi Police.

At this stage, we dispose of the writ petition with the following agreed directions:

- (i) In case the petitioners make 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 petitioners are not found vending at the site when the survey is conducted, that by itself would not be a ground alone to reject their case. The TVC will consider all the documents furnished by the petitioners taking into consideration the aspect that they were successful in the draw of lots held during 2009.

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. 22051/2017 also stands disposed of in view of above.

G.S.SISTANI, J

CHANDER SHEKHAR, J

AUGUST 24, 2017

pst /
W.P.(C) 5162/2017