

\$~32

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

+ **W.P.(C) 5780/2017**

RAJEEV KUMAR GUPTA AND ORS Petitioners
Through **Mr.S.K.Singh, Adv. with Ms.Renu Singh,**
Adv.

versus

EAST DELHI MUNICIPAL CORPORATION OF DELHI Respondent
Through **Mr.D.K.Devesh, Adv. with Md.Asfar**
Heyat Warsi, Adv.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE P.S. TEJI

ORDER
% **12.07.2017**

C.M. No.24108/2017 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P. (C) No.5780/2017

Petitioners claim to be vending at the site, i.e. near Narwana Apartments, Gurudwara Road, Madhu Vihar, since 2003. It is the case of the petitioners that their possession is being disturbed and they are being obstructed by the officials of the respondent.

Learned counsel for the petitioners submits that at this stage, the petitioners would be satisfied if a direction is issued to the respondent to consider their case as and when Town Vending Committee starts functioning and merely because they are not found vending at the sites at the time of survey, that may not be a ground to reject their case.

Notice. Learned counsel for the respondent/EDMC, who enters appearance on an advance copy, accepts notice. Without admitting any of the averments made in the writ petition, counsel submits that the respondent would have no objection in case the TVC considers the case of the petitioners subject to petitioners' filing requisite documents and merely because the petitioners are not found vending at the sites, that by itself would not be a ground alone to reject their case.

Based on the stand taken by the learned counsels for the parties, we dispose of this writ petition with the following agreed directions:-

- (i) In case the petitioners make an application(s) 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 their respective sites when the survey is conducted, that by itself would not be a ground alone to reject their 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.

G.S.SISTANI, J.

P.S. TEJI, J.

JULY 12, 2017/ka /