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

+ W.P.(C) 7101/2017

RAJ KUMAR CHAURASIA & ANR

..... Petitioners

Through: Ms. Akanksha Mehra, Adv. for
Mr. Narendra Prasad, Advs.

versus

THE GOVERNMENT OF NCT OF DELHI
& ANR.

..... Respondents

Through: Mr. Sanjay Ghose, ASC with
Mr. Rishabh Jetley and Mr. Dhananjai
Rana, Advs. for respondent /
GNCTD.
Mr. Shakti Priyan Nair, Adv. for
Ms. Prabhsahay Kaur, Adv. for R2
with Mr. Brij Mohan Sharma,
Licensing Inspector, Keshavapuram
Zone, North DMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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28.11.2017

Counsel for the petitioners seeks a writ of mandamus restraining the respondents from dispossessing the petitioners/disturbing/ interfering in their squatting activities which are being carried out at A-4, opposite Gole Market, Paschim Vihar, Delhi Front of Pillar No. 212, Near East Metro Station till a certificate of vending is issued. The claim of the petitioner is that they have been vending at the aforesaid site since 2004. The complaint

of the petitioners is that officials of the respondents are not allowing them to carry out their vending activities.

Counsel for the respondents submits that petitioners are not regular street vendors. They are occupying the area along the main road, which is obstructing the free flow of traffic and free movement of pedestrian. He further submits while relying on photographs placed on record that the area is to be used for tree plantation and the petitioners cannot be allowed to vend at the said area. Counsel for the MCD submits that name of the petitioners do not find mentioned in the list prepared by the Chopra Committee and Chaturvedi Committee and thus he cannot be considered to be a regular street vendor.

After some hearing, counsel for the petitioners submits that as and when the Town Vending Committee becomes functional, the petitioners would make an appropriate application with all supporting documents and meanwhile they would remove themselves from the area in question to an area where there is no blockage of free flow of traffic and pedestrian.

Counsel for the respondents without admitting any of the averments made in the writ petition submits that they would have no objection in case the petitioners approach the Town Vending Committee as and when it becomes functional with all supporting documents and the TVC would pass appropriate orders in accordance with law.

With the following agreed directions, the writ petition is disposed of.

- (i) the petitioners would approach the Town Vending Committee with all supporting documents;

- (ii) the TVC would consider the case of each petitioners based on the documents so filed and merely because the petitioners are not found vending would not be a ground 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.

Dasti.

G.S.SISTANI, J

V. KAMESWAR RAO, J

NOVEMBER 28, 2017/jg