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

+ **W.P.(C) 6373/2017**

HANISH PAMNANI

..... Petitioner

Through Mr. Dharmender Sharma, Advocate

versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR..... Respondents

Through Mr. Amit Saxena, Advocate for
respondent no.1.

Mr. Ikrant Sharma and Ms. Divya
Upadhyay, Advocates for respondent
no.2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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26.07.2017

CM.APPL Nos.26380-26381/2017(exemption)

Exemption allowed, subject to all just exceptions.

The applications stand disposed of.

CM.APPL No.26382/2017(stay)

The application is dismissed as not pressed at this stage.

W.P.(C) 6373/2017

Mr. Sharma, learned counsel for the petitioner submits that the petitioner has been vending at various sites, however, his last site was opposite Shop no.C-15, Rainbow, SDA Market premises, Safdarjung Enclave, New Delhi. He submits that the petitioner is suffering from 85% disability.

After some hearing, Mr. Sharma submits at this stage that the petitioner would be satisfied in case a direction is issued to the respondents that the name of the petitioner may be considered by the Town Vending Committee (TVC) as

and when it becomes functional and merely because he is not found vending should not be a ground to reject his case.

Learned counsel for the respondent enters appearance on an advance copy. 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:-

- (i) 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.
- (ii) 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.

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

CHANDER SHEKHAR, J

JULY 26, 2017
pst /