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

+ **W.P.(C) 6435/2017**

MANOJ KUMAR

..... Petitioner

Through: **Mr. S.K. Singh & Ms. Renu Singh,**
Advocates

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR.

..... Respondents

Through: **Mr. Ram Kumar,** Advocate for
respondent No.1

**Mr. Sumit Aggarwal & Mr. Mukesh
Sachdeva,** Advocates for respondent
No.2 with SI Jagbir Singh

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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22.09.2017

The petitioner claims to be a street vendor and hawking near Zohra Emporium, Arya Samaj Road and the crossing of Ajmal Khan Road, Karol Bagh, New Delhi. He claims that the officials of the respondents are not allowing him to vend peacefully.

Learned counsels for the respondents submit that the area in question is a “no hawking no vending” zone. The petitioner is not a regular street vendor and thus no protection can be granted to him.

At this stage, learned counsel for the petitioner submits that the case of the petitioner should be considered by the Town Vending Committee

(‘TVC’), as and when it is functional and in case petitioner is not found vending at the spot, that should not be a ground to reject his case. Without admitting any of the averments made in the writ petition, counsels submit that the respondents would have no objection in case the TVC considers the case of the petitioner, subject to petitioner filing requisite documents and merely because the petitioner is not found vending at the site, that by itself would not be a ground alone to reject his case. 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 TVC, the TVC will consider the same in accordance with law.
- (ii) Merely because the petitioner is not found vending at his respective 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 matters.

The writ petition is disposed of accordingly.

G.S.SISTANI, J

CHANDER SHEKHAR, J

SEPTEMBER 22, 2017/tp