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

+ W.P.(C) 7295/2017

PANCHAM CHOURASIA Petitioner

Through: Mr.Gyan Prakash, Advocate

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through: Mr.Pratap Singh, Advocate for NDMC
along Mr.Navneet Tripathi, Advocate
Ms.Neelam Singh, GNCTD counsel for
R-2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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22.09.2017

Present writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking a direction to the respondents to allow him to peacefully continue hawking, vending, squatting or any other similar activities without removing or harassing him till the issuance of certificate of vending, as envisaged under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

The petitioner, in the present petition, claims to be a street vendor and vending at the site, situated at 6/80, Padam Singh Road, Karol Bagh, New Delhi. In support of his claim, the petitioner has placed on record photographs and photocopy challan pertaining to the year 2010.

Learned counsel for the respondent, who enters appearance on an advance copy, submits that the petitioner is not a regular street vendor. Counsel further submits that the petitioner had also approached the Appellate Authority, but no

relief was granted to him. Counsel also submits that the order dated 03.12.2010, copy of which has been placed on record by the petitioner, would show that the name of the petitioner was not in the list of 516 persons, recommended by the Chopra Committee nor any site has been allotted to him. It is also submitted that the order of the Appellate Authority has attained finality. Even otherwise, it is contended by the counsel that the petitioner is squatting on the metallic road.

Heard counsel for the parties, considered their submissions and also perused the order dated 3.12.2010 passed by the Appellate Authority. The photograph filed at page 55 of the paper book shows that the petitioner is squatting outside a house which according to Mr. Gyan Prakash, counsel for the petitioner, is in fact a park. Thus, no relief can be granted to the petitioner.

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.

CM APPL. 30184/2017

Application stands dismissed in view of the order passed in the writ petition.

G.S.SISTANI, J

CHANDER SHEKHAR, J

SEPTEMBER 22, 2017

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