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

+ **W.P.(C) 7950/2017**

PUSHPA DEVI

..... Petitioner

Through

Mr. Dharamender Sharma and Ms.
Monika Singh, Advocates

versus

NEW DELHI MUNICIPAL COUNCIL & ORS. Respondent

Through

Mr. Sri Harsha Peechara, Standing
Counsels with Mr. Mananjay Mishra,
Mr. Chetan Sharma, Advocates
Mr. Sanjeev Singh and Mr.
Raghuvendra Pandey, Advocate for
Delhi Police

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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08.09.2017

C.M.APPL Nos.32809-32810/2017 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. Applications stand disposed of.

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1. This is a petition filed under Article 226 of the Constitution of India by the wife of the deceased Sh. Mahesh Pal Singh. It is claimed that husband of the petitioner was vending at Sarojini Nagar Market.
2. Mr. Sharma, learned counsel for the petitioner submits that the

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petitioner seeks two directions from this court, firstly that the name of the petitioner be substituted in place of her deceased husband and secondly, as and when Town Vending Committee (TVC) is constituted the petitioner may be allowed to approach the TVC with all the supporting documents and TVC be directed to consider her case in accordance with law keeping the fact that she is not squatting for the present.

3. Notice. Mr. Peechara, learned Standing Counsel for the respondents 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.

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

- (i) The petitioner would make a representation to the Town Vending Committee in the prescribed format in place of her deceased husband with supporting documents;
- (ii) The Town Vending Committee will consider the case of the petitioner in accordance with law and expeditiously after taking into consideration all the material placed on record for substitution of her name in place of her deceased husband and for allotment of a vending site;
- (iii) In case when the survey is conducted and the petitioner is not found squatting at the respective site, that by itself would not be

a ground to reject her case.

5. 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.
6. The writ petition is disposed of accordingly.
7. CM.APPL 32811/2017 also stands disposed of in view of the above.

G.S.SISTANI, J

CHANDER SHEKHAR, J

SEPTEMBER 08, 2017

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