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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8036/2017**

SMT SANNU MISHRA Petitioner
Through **Mr. Dharmendra Sharma and Ms. Monika Singh, Advocates**
versus

NORTH DELHI MUNICIPAL COUNCIL (NDMC) Respondent
Through **Mr. Sri Harsha Peechara, Standing Counsel for NDMC with Mr. Mananjay and Mr. Cheteen Sharma, Advocates**

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER
% **11.09.2017**

C.M.APPL Nos.33116/2017 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. Application stands 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. Rakesh Mishra. 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 petitioner seeks 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.
3. Notice. Mr. Peechara, learned Standing Counsel for the respondent enters appearance on an advance copy. Without admitting any of the averments

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made in the writ petition, it is submitted that, should the petitioner make an application with supporting documents before the TVC for substitution of her name in place of her husband and for allotment of a vending site, 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 33117/2017 also stands disposed of in view of the above.

G.S.SISTANI, J

CHANDER SHEKHAR, J

SEPTEMBER 11, 2017/B
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