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

+ **W.P.(C) 7975/2017**

SUKHBIR YADAV

..... Petitioner

Through

Mr. Dharamender Sharma and Ms.
Monika Singh, Advocates

versus

**NEW DELHI MUNICIPAL
COUNCIL (NDMC) & ORS.**

..... Respondents

Through

Mr. Sri Harsha Peechara, Standing
Counsels with Mr. Mananjay Mishra,
Mr. Chetan Sharma, Advocates

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 No.32876-32877/2017 (exemption)

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

W.P.(C) 7975/2017

This is a petition filed under Article 226 of the Constitution of India. Petitioner claims to be street vendor at INA Market. Learned counsel for the petitioner submits that the petitioner seeks a limited direction to the extent 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.

Notice. Mr. Peechara, learned counsel for the New Delhi Municipal

Council enters appearance on an advance copy. He points out that the petitioner has not placed any document to show that he is a regular street vendor. 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.

CM.APPL 32878/2017 also stands disposed of in view of above.

G.S.SISTANI, J

CHANDER SHEKHAR, J

SEPTEMBER 08, 2017

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