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

+ **W.P.(C) 7917/2017 & C.M.32704/2017**

SURENDER RAI Petitioner

Through: **Mr.Gyan Prakash, Advocate**

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through: **Mr.Praney Jain, Adv. for R-1.**

**Mr.Uttam Datt and Mr.Abhimanyu Singh,
Adv. 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

The petitioner claims to be street vendor and hawking at 15A/13, Ajmal Khan Road, Karol Bagh, New Delhi. He claims that the officials of the respondents are not allowing him to vend peacefully.

Learned counsel for the respondent submits that the petitioner is not a regular street vendor and thus no protection can be granted to him. Counsel further submits that continuous action is being taken for removal of unauthorised encroachments from public/government land.

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.

C.M. 32704/2017

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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