

\$~5

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

+ **W.P.(C) 8243/2017**

ASHOK KUMAR

..... Petitioner

Through: **Mr. Dharmendra Sharma & Ms.
Monika Singh, Advocates**

versus

SOUTH DELHI MUNICIPAL CORPORATION (SDMC) & ANR

..... Respondents

Through: **Mr. Digvijay Rai, Standing Counsel
Mr. Swaty Singh Malik & Mr.
Himanshu Latwal, Advocate for
respondent No.2**

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

%

15.09.2017

CM Nos.33911-12/2017

Allowed, subject to all just exceptions.

WP(C) No.8243/2017

The petitioner claims to be a street vendor and was vending at Raja Ram Road, Madangir, New Delhi. The petitioner also claims that he suffers from 84% disability. The petitioner has placed on record challans pertaining to the years 2007, 2008 and 2012 to show that he is a regular street vendor.

Mr. Dharmendra Sharma, learned counsel for the petitioner submits that at this stage the petitioner would be satisfied if he is permitted to approach the TVC with supporting documents, as and when it is functional and merely because he is not found vending at the site, that by itself should not be a ground to reject his case.

Notice. Mr. Digvijay Rai, learned Standing Counsel accepts notice for SDMC. Learned Standing Counsel for the SDMC, without admitting any of the averments made in the writ petition, submits that the petitioner is not a regular street vendor, which is evident from the fact that he has placed on record the challans only for the years 2007, 2008 and 2012. Thus, he is not entitled to any protection. However, it is submitted that, as and when a TVC is functional, in case the petitioner makes an application, with all the supporting documents, the TVC would consider the case of the petitioner in accordance with law and expeditiously. Merely because the petitioner is not found vending at the site would not be a ground to reject his case.

Having heard learned counsel for the parties, we dispose of the writ petition with the following agreed directions:-

- (i) The petitioner would approach the TVC as and when it is constituted with all the supporting documents;
- (ii) The TVC will consider the case of the petitioner in accordance with law and expeditiously after taking into consideration all the material placed on record;
- (iii) 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.

We make it clear that we have not expressed any opinion on the merits of the matter and this order is being passed without prejudice to the rights and contentions of both the parties.

The writ petition is disposed of.

CM No.33913/2017(Stay)

The application stands disposed of in view of above.

G.S.SISTANI, J

CHANDER SHEKHAR, J

SEPTEMBER 15, 2017
tp