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

+ W.P.(C) 9029/2017 and CM No.36936/2017 (for stay)

MD. DIN MIYA

..... Petitioner

Through Mr. N. K. Sahoo, Advocate

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR. Respondents

Through Mr. Sri Harsha Peechara, Standing
Counsel for NDMC with Mr.
Mananjay Mishra, Mr. Chetan
Sharma and Ms. Vidhi Jain,
Advocates

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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13.10.2017

Petitioner claims to be carrying out vending activities at the Boundary Wall of NDMC School for Girls, Bapu Dham, Manas Marg, P. S. Chankyapuri, New Delhi-110021.

Learned counsel for the petitioner submits at this stage that the petitioner would be satisfied in case a direction is issued 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 at the site should not be a ground to reject his case.

Learned 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 vending at the site, 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 36936/2017 also stands disposed of in view of above.

Copy of the order be given dasti under the signature of the Court Master.

G.S.SISTANI, J

CHANDER SHEKHAR, J

OCTOBER 13, 2017/b