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

+ W.P.(C) 9337/2017, CM Nos. 38135-38137/2017

VIRENDER KUMAR KHURANA Petitioner
Through: Mr. Dharmender Sharma, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL
& ORS Respondents
Through: Mr. Harsha Peechara, Standing
Counsel with Mr. Chetan Sharma and
Ms. Vidhi Jain, Advs. for R1.

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE V. KAMESWAR RAO
ORDER
% **25.10.2017**

CM. Nos. 38135-38136/2017 (for exemptions)

Exemptions allowed subject to all just exceptions.

Applications stand disposed of.

W.P.(C) 9337/2017

This is a petition under Article 226 of the Constitution of India.
Mr. Dharmender Sharma, learned for the petitioner submits that petitioner is a regular street vendor and has been vending opposite Shop No.31, Sarojini Nagar Market, New Delhi for the past many years. In support of his submission, he has placed copies of challans pertaining to the years 2004 to

2007. Mr. Sharma further submits that the name of the petitioner does not find mentioned in the list of 628 persons prepared by the NDMC.

Learned counsel for the petitioner submits that at this stage, the petitioner would be satisfied if leave is granted to the petitioner to approach the Town Vending Committee (TVC) with all supporting documents as and when it becomes functional to enable the TVC to consider his case in accordance with law and merely because he is not found vending at the site, that should not be a ground to reject his case. Additionally, Mr. Sharma submits that since the petitioner has been vending for a long period of time, his case should be considered on priority basis. He further submits, in case an alternate site is offered to him at Laxmi Bai Nagar Market, he would accept the same.

Mr. Harsha Peechara, 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 squatting, that itself alone would not be a ground to reject the case of the petitioner.

With the following agreed directions, the present petition is disposed of.

- (i) the petitioner would approach the Town Vending Committee with all supporting documents;
- (ii) the TVC would consider the request of the petitioner in accordance with law and merely because he is not found vending at the site that itself would not be a ground to reject his case;
- (iii) in case any alternate site is available, the case of the petitioner would be considered by following a transparent policy.

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.

CM No. 38137/2017 (for Stay)

Dismissed as infructuous.

G.S.SISTANI, J

V. KAMESWAR RAO, J

OCTOBER 25, 2017/jg