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

+ W.P.(C) 10110/2017

MANOJ KUMAR

..... Petitioner

Through Mr.N.K. Sahoo, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through Mr.Kapil Dutt, Adv. for NDMC.
Mr.Mukesh Kumar Singh, Adv. for R-2.

+ W.P.(C) 10131/2017

SATISH

..... Petitioner

Through Mr.N.K. Sahoo, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through Mr.Kapil Dutt, Adv. for NDMC.
Mr.Mukesh Kumar Singh, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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15.11.2017

These are two petitions filed by the petitioners under Article 226 of the Constitution of India seeking a writ, order or direction in the nature of *mandamus* directing respondents not to disturb them from squatting at their respective sites.

Petitioners claim to be carrying out their vending activities at (i) corner of Shop/Building no.36-E, Kamla Nagar, P.S. Roop Nagar, Delhi and (ii) corner of

Shop/Building no.28-E, Corporation Bank, Kamla Nagar, P.S. Roop Nagar, Delhi respectively and are selling readymade garments

Learned counsel for the petitioner submits that the officials of the respondents are not allowing them to vend. Mr.Kapil Dutt, who enters appearance on an advance copy submits that the petitioners are not a regular vendor, which is disputed by Mr.Sahoo.

Mr.Sahoo, learned counsel for the petitioners submits that at this stage, both the petitions may be disposed of, with a direction that the petitioners may approach the Town Vending Committee ("TVC") as and when it is functional, with all supporting documents and the TVC should be directed to consider the case of the petitioners on priority as they are senior squatters. Additionally, in case they are not found vending at their respective sites, that should not be a ground to reject their case.

Learned counsel for the respondents, without admitting any of the averments made in the writ petitions, submit that in case the petitioners approach the TVC as and when it becomes functional, they would have no objection if the TVC considers their case in accordance with law and based on supporting documents. It is also contended that merely because the petitioners are not found vending at the spot(s), the same would not be a ground alone to reject their case.

Accordingly, with the consent of the parties, we dispose of both the writ petitions with the following agreed directions:-

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

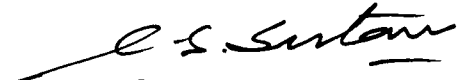
- (iii) Merely because the petitioners are not found vending at their respective sites when the survey is conducted, that by itself would not be a ground alone to reject their case.

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 petitions are disposed of accordingly.

C.M. No.41324/2017 (for stay) in W.P. (C) No.10110/2017,
C.M. No.41355/2017 (for stay) in W.P. (C) No.10131/2017,

Both the applications stand disposed of in view of the common order passed in the writ petitions.


G.S.SISTANI, J


V. KAMESWAR RAO, J

NOVEMBER 15, 2017/ck

W.P.(C) 10110/2017