

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

% Date of decision: 17th November, 2017

+ W.P.(C) 10196/2017 & CM. No. 41625/2017

DINESH KUMAR

..... Petitioner

Through: Mr. N.K. Sahoo, Adv. and
Mr. S.B. Sahoo, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION
AND ANR

..... Respondents

Through: Mr. Praney, Adv. for NDMC

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V. KAMESWAR RAO

G.S.SISTANI, J (ORAL)

1. The abovementioned writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking a writ, order or direction in the nature of *Mandamus* directing the respondents not to disturb him from squatting in front of Shop/building No. 38-E, Kamala Nagar Ps Roop Nagar.

2. The petitioner claim to be a squatter and squatting in front of Shop/building No. 38-E, Kamala Nagar Ps Roop Nagar. Mr. Sahoo, learned counsel for the petitioner submits that at this stage, the petition may be disposed of, with leave to the petitioner to 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 petitioner. Additionally, in case he is not found vending at his site, that should not be a ground to reject his case.

3. Learned counsel for the respondent, without admitting any of the averments made in the writ petition, submit that in case the petitioner approaches the TVC as and when it becomes functional, he would have no objection if the TVC considers his case in accordance with law and based on supporting documents. It is also contended that merely because the petitioner is not found vending at the spot, the same would not be a ground alone to reject his case.

4. Accordingly, with the consent of 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 and becomes functional, 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 in question when the survey is conducted, that by itself would not be a ground alone to reject his case.

5. 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.

6. The writ petition and CM 41625/2017 are disposed of accordingly. *Dasti* under the signature of Court Master.

G.S.SISTANI, J

V. KAMESWAR RAO, J

NOVEMBER 17, 2017/aky

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