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

+ W.P.(C) 10246/2017

SH. A.G. SHEKAR Petitioner

Through: Mr. Anand Shailani, Adv.

versus

SDMC AND ANR. Respondents

Through: Mr. Rajeshwar Dagar, Standing
Counsel for R1 with Insp. Dharam
Prakash.
Ms. Kiran Singh and Ms. Jigyasa
Rathi, Advs. for R2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **20.11.2017**

CM. No. 41816/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 10246/2017

This is a petition under Article 226 of the Constitution of India. Counsel for the petitioner submits that petitioner claims to be vending in a verandah opposite Shop No. 7 and 14, C-4E Market, Janak Puri, New Delhi. The complaint of the petitioner is that officials of the respondent / MCD are not allowing him to vend although he has been vending for the past many years. Learned counsel for the petitioner concedes that petitioner has been removed on 24th October, 2017 when a drive was undertaken.

Counsel for the respondent who enters appearance on advance copy submits that uniform action was being taken to remove the street vendors from the verandah as they were blocking the free movement of pedestrian. He has drawn the attention of the court to the photographs placed on record by the petitioner to show that the verandah is being blocked and occupied by the petitioner is also more than 6x4 ft.

Counsel for the petitioner submits, at this stage, that 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.

Without admitting any of the averments made in the writ petition, counsel for the respondent no.1 submits that in case the petitioner approaches the Town Vending Committee with all supporting documents, respondent no.1 would have no objection, if the TVC considers his case in accordance with law.

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;

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. 41815/2017 (for Stay)

Dismissed as infructuous.

G.S.SISTANI, J

V. KAMESWAR RAO, J

NOVEMBER 20, 2017/jg