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

+ W.P.(C) 10718/2017

SMT. JAL BAI

..... Petitioner

Through: Mr.Dharmender Sharma and Ms.Monika Singh,
Advts.

versus

NEW DELHI MUNICIPAL COUNCIL(NDMC) AND ORS Respondents

Through: Mr.Tarun Vir Singh Kheher, Standing Counsel
for NDMC with Mr.Simar Pal Singh,
Asst.Standing counsel and Mr.Abhimanyu, Adv.
Mr.Yeeshu Jain with Ms.Jyoti Singh, Advts. for
L&B/LAC.
Mr.Jayender, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **01.12.2017**

C.M.Nos.43896/2017 & 43897/2017 (exemption)

Exemptions are allowed subject to just all exceptions.

Both the applications stand disposed of.

W.P.(C) 10718/2017

The petitioner claims to be a regular street vendor and vending at opposite Shop No.101, Sarojin Nagar Market. The complaint of the petitioner is that the petitioner has been removed by the officials of the NDMC in the month of September, 2016 although her name finds mentioned in the list of 628 street vendors prepared by the NDMC.

At this stage, Mr Sharma submits that the petitioner would approach the TVC Committee as and when it is functional with all supporting documents and the TVC be directed to consider the matter in the light of supporting documents and having regard to the fact that her name finds mentioned in the list of 628 street vendors. He also seeks a direction that in case the petitioner is not found vending at the site, that itself alone should not be ground to reject her case.

Counsel for NDMC enters appearance on an advance copy and without

admitting any of the averments made in the petition submits that should the petitioner make an application with all supporting documents before the TVC, the same would be considered in accordance with law and in case the petitioner is found mentioned in the list of 628 persons prepared by NDMC and merely because the petitioner is not found squatting, that itself alone would not be a ground to reject the case of the petitioner.

Accordingly, the present petition is disposed of with the following agreed directions: -

- (i) The petitioner would approach the TVC as and when it is constituted 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, including the fact that the name of the petitioner finds mentioned in the list of 628 street vendors prepared by the NDMC;
- (iii) 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 her case.

We make it clear that we have not expressed any opinion on the merits of the matter and this order is being passed without prejudice to the rights and contentions of both the parties.

The writ petition is disposed of.

G.S.SISTANI, J

V. KAMESWAR RAO, J

DECEMBER 01, 2017/rb/
W.P.(C) 10718/2017

page 2 of 2