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- * **IN THE HIGH COURT OF DELHI AT NEW DELHI**
- + W.P.(C) 10696/2017 & C.M.43851/2017
AJAY KUMAR MISHRA Petitioner
versus
NEW DELHI MUNICIPAL COUNCIL & ANR Respondents
- + W.P.(C) 10704/2017 & C.M.43871/2017
PUSHPA DEVI Petitioner
versus
NEW DELHI MUNICIPAL COUNCIL & ANR Respondents
- + W.P.(C) 10712/2017 & C.M.43883/2017
KAMLESH KUMAR Petitioner
versus
NEW DELHI MUNICIPAL COUNCIL & ANR Respondents

Present: Mr.N.K.Sahoo, Advocate for the petitioners in all the matters.
Mr.Vivek Aggarwal, Standing counsel for NDMC along with
Mr.Rajender Yadav, Assistant Standing counsel in all the matters.
Mr.Devesh Singh, ASC, GNCTD with Ms. Neelam, Adv. for R-2
in item no.20.
Mr.Santosh Kumar Tripathi, ASC, GNCTD for R-2 in item no.21.
Mr.Naushad Ahmed Khan, Addl.Standing counsel, GNCTD for
R-2/Delhi police in item no.22.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **01.12.2017**

The petitioners claim to be squatting at the following sites at Sarojini
Nagar:

Sl.No.	Name of the petitioner	Vending site
1.	Ajay Kumar Mishra	Opposite of Shop No.1, Near Mata Sidh Mandir, Sarojini Nagar market, Sarojini Nagar, New Delhi-23

2.	Pushpa Devi	On the backside of Shop No.7, Mini Market, Sarojini Nagar, New Delhi-23.
3.	Kamlesh Kumar	Opposite of Shop No.25, Sarojini Nagar Market, Sarojini Nagar, New Delhi-23.

Counsel for the petitioners submits that the petitioners are not being allowed to vend at their respect sites although they are regular squatters.

Counsel for the NDMC enters appearance on advance copy and submits that the squatters are not regular street vendors, thus, they are not permitted to vend at the sites so mentioned because it would obstruct the free movement of the pedestrians.

At this stage, Mr.Sahoo, learned counsel for the petitioners submit that a direction be issued to permit the petitioners to approach the Town Vending Committee (TVC) as and when it is constituted with all supporting documents and merely because they are not found vending at the site should not be a ground to reject their case.

Counsel for NDMC without admitting any averments made in the petition submits that should the petitioners make an application with all supporting documents before the TVC, the same would be considered in accordance with law and merely because the petitioners are not found squatting at their sites, that itself alone would not be a ground to reject their case.

Accordingly, the present petitions are disposed of with the following agreed directions: -

- (i) The petitioners would approach the TVC as and when it is constituted 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 the site

when the survey is conducted, that by itself would not be a ground alone to reject their case.

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

The writ petitions alongwith the pending applications are disposed of.


G.S.SISTANI, J


V. KAMESWAR RAO, J

DECEMBER 01, 2017
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