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

+ W.P.(C) 10675/2017

SUNITA

..... Petitioner

Through Mr. N.K. Sahoo, Advocate

versus

NEW-DELHI MUNICIPAL COUNCIL AND ANR.

..... Respondents

Through Mr. Sriharsha Peechara, Standing Counsel
with Mr. Mananjay Mishra and Ms. Vidhi
Jain, Advocate for NDMC.

Mr. Naushad Ahmed Khan, ASC,
(GNCTD).

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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01.12.2017

This is a petition under Article 226 of the Constitution of India filed by the petitioner, who claims to be vending near Janapth Sauchalya, Corner of Jeevan Bharti Building since the year 2000. The grievance of the petitioner is that the officials of the respondents are not allowing her to vend peacefully.

Mr. Sahoo, learned counsel for the petitioner, at this stage, submits that the petitioner would be satisfied in case the petitioner is permitted to approach the Town Vending Committee (TVC) as and when it is functional with all supporting documents and merely because the petitioner is not found vending at the site should not be a ground to reject her case.

Mr. Peechara, learned Standing Counsel, who enters appearance on behalf of the New Delhi Municipal Council, submits that to the best of his information this petitioner had also filed a writ petition, which was dismissed as not pressed and no second writ petition would lie. He further submits that the petitioner is not a regular vendor and was obstructing the free movement of pedestrians. He also submits that the name of the petitioner does not find mentioned in the list of 628 street vendors prepared by the NDMC. However, without admitting any of the averments made in the writ petition, he submits that should the petitioner

makes an application with supporting documents before the TVC, the same would be considered in accordance with law and merely because the petitioner is not found vending, that 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; and
- (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 to reject the case of the petitioner.

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.

CM. APPL No.43758(stay)

The application stands disposed of in view of the order passed in the writ petition.

G.S.SISTANI, J

V. KAMESWAR RAO, J

DECEMBER 01, 2017

pst/
W.P.(C) 10675/2017