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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 10997/2017, CM APPL 44970/2017

RAJU DASS

..... Petitioner

Through: Mr.N.K. Sahoo, Advocate.

versus

NEW- DELHI MUNICIPAL COUNCIL AND ANR..... Respondents

Through: Mr.Vinod Kumar Goyal, Mr. Abhinay Singh, Mr. Manish Rohilla, Advs. for R-2.

Mr.Tarunvir Singh Khehar, Ms.Guneet Khehar, Mr.Sandeep Mishra, Mr.Simar Pal Singh, Mr.Rajender Yadav, Advs. for NDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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11.12.2017

The petitioner claims to be a regular street vendor. He also claims that he has been squatting at corner Bardoli Marg, Chankya Puri, New Delhi-21 since the year 1995. The grievance of the petitioner is that the officials of the respondents are not allowing the petitioner to carry out his hawking activities and are disturbing his peaceful possession.

Counsel for respondent/NDMC, who enters appearance on an advance copy, submits that the area in question is 'no hawking', 'no vending' zone. Learned counsel relies on the photograph filed by the petitioner at page 17 of the paper book, which shows that he is cooking food at the site in question, which is not permissible.

At this stage, Mr.Sahoo, learned counsel for the petitioner submits that a direction be issued to permit the petitioner to approach the Town Vending Committee (TVC) as and when it is constituted with all supporting

documents and merely because he is not found vending at the site should not be a ground to reject his case.

Counsel for NDMC without admitting any 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 merely because the petitioner is not found squatting at his site, that itself alone would not be a ground to reject his case.

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;
- (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 his 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 petition alongwith the pending applications are disposed of.

Dasti under signature of the Court Master.

G.S.SISTANI, J

V. KAMESWAR RAO, J

DECEMBER 11, 2017/ck/