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

+ W.P.(C) 52/2018 & CM No.251/2018 (stay)

SUBHASH CHAND

..... Petitioner

Through: Mr.Sanjay Baniwal, Adv. for Mr.Kamlesh Kr.
Mishra, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Mr.Harsha Peechara, Standing Counsel with
Ms.Vidhi Jain, Advocate for SDMC.
Mr.Zahid Hanief, Adv. for Mr.Naushad Ahmed
Khan, ASC (Civil) for R-2 to 4/GNCTD.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **18.07.2018**

Mr.Peechara, counsel for the SDMC submits that the SDMC has taken a uniform drive to remove all encroachments and unauthorized street vendors at Ring Road, Sarai Kale Khan, New Delhi. Photographs have been handed in Court.

Counsel for the petitioner however, submits that some unauthorized street vendors continue to vend at the road in question and the petitioner has been singled out.

Mr.Peechara, counsel for the SDMC submits that despite repeated drives, the street vendors return and the SDMC would continue to take action against them.

We are informed that the election for the first Town Vending Committee has already been conducted.

Counsel for the petitioner further submits that the petitioner would make an appropriate application along with supporting documents before TVC as and

when it becomes functional to consider the case of the petitioner.

Mr.Peechara, counsel for the SDMC without admitting any of the averments made in the writ petition does not oppose the prayer so made.

The TVC will consider the case of the petitioner in accordance with law after taking into consideration all the material placed on record. Merely because, the petitioner may not be found vending at the spot at the time of survey that 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 case and this order is being passed without prejudice to the rights and contentions of both the parties.

The writ petition along with pending application are disposed of.

G. S. SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 18, 2018
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