

\$~7

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

+ W.P.(C) 371/2018 & C.M.1563/2018

RAM LAL

..... Petitioner

Through: Mr.Prabhat Kumar, advocate

versus

EAST DELHI MUNICIPAL CORPORATION

..... Respondent

Through: Mr.Amit Sinha and Mr.A.S.Singh,
Advts.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **27.02.2018**

This writ petition is filed under Article 226 of the Constitution of India. The petitioner claims to be a hawker selling Pan, Biri, Cigarette etc. at the pavement of B-Block Market, Near Ram Mandir, Vivek Vihar, Delhi. Fear of dispossession has led to the filing of the present writ petition. Status report has been filed by the EDMC, as per which, the petitioner is squatting within a radius of 15 to 100 meters of educational institutions. The status report is reproduced as under:

“

Status Report

It is submitted that Shri Ram Lal s/o Shri Brij Lal has been selling Pan, Biri, Cigarette and other tobacco items in B-Block Market, Near Ram Mandir, Vivek Vihar, Delhi. He is sitting on footpath. The area was inspected by the concerned Licensing Inspector who reported that following education institutions are going on in the vicinity of the

vending site:-

<u>Instituion</u> <u>(Approximately)</u>	<u>Distance</u>
(i) Rahul Academy	15 mtrs.
(ii) New Oxford Public School	100 mtrs.
(iii) Mangal Pandey Sr.Sec.School	100 mtrs.
(iv) ITI, Vivek Vihar	100 mtrs.

In order to keep the roads and foothpath free from encroachment action is taken by the EDMC.”

Even otherwise, Mr.Sinha, counsel for the respondent/EDMC submits that the petitioner is an unauthorised street vendor and is obstructing free flow of traffic and free movement of pedestrians and thus, cannot be allowed to vend.

Counsel for the petitioner, at this stage, submits that the petitioner would be satisfied if leave is granted to the petitioner to approach the Town Vending Committee (TVC) as and when it is constituted. He seeks a direction to the TVC to consider the case of the petitioner in accordance with law and merely because he is not found vending at the spot at the time of survey, should not be a ground to reject his case.

Counsel for the respondent without admitting any of the averments made in the writ petition submits that in case the petitioner approaches the TVC as and when it is constituted with all supporting documents, the case of the petitioner would be considered in accordance with law and merely because he is not found vending at the spot at the time of survey, that would not be a ground to reject his case.

Binding the parties to the statements made in Court, the writ petition is disposed of, as prayed.

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.

CM.APPL 1563/2018 also stands disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

FEBRUARY 27, 2018

rb

W.P.(C) 371/2018

page 3 of 3