

\$~51

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

% *Date of Judgment : 23rd January, 2018*

+ W.P.(C) 673/2018

NANNI BAI AHIRWAR

..... Petitioner

Through: Mr. N. K. Sahoo and Mr. S. B. Sahoo,
Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR.

..... Respondents

Through: Mr. Tarunvir Singh Khehar, Mr. Rajinder
Yadav, Mr. Simar Pal Singh and
Ms. Guneet Khehar, Advocates for R-1.
Mr. Sameer Vashisht, ASC for R-2 with
Mr. Manashwy Jha, Advocate.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

1. This is a petition under Article 226 of the Constitution of India and under the Street Vendors Act, 2014 filed by the petitioner. The petitioner claims to be a squatting near out gate of LIC building nearby boundary wall of the parking, Janpath, New Delhi since the year 1988. As per the petitioner, she was granted licence in the year 1992 for selling uncut fruits on cycle and this licence is valid till April, 2020.
2. Learned counsel for the petitioner submits that the petitioner wishes to change her trade and infact she has been selling readymade garments from her place of squatting. Under the threat

of being removed, she has filed the present petition.

3. Mr. Tushar Sannu, learned Standing Counsel appearing on behalf of the respondent without admitting any of the averments made in the writ petition, submits that the petitioner is not a regular street vendor and her licence would itself shows that she was allowed to sell uncut fruits on a cycle, thus, she cannot have a fixed place of squatting.
4. At this stage, learned counsel for the petitioner submits that petitioner would approach the TVC and in case she is not found vending at the site at the time of survey that should not be a ground to reject her case.
5. Learned counsel for the respondent submits that if 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 squatting, that itself alone would not be a ground to reject the case of the petitioner.
6. 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.

7. 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.
8. The writ petition is disposed of.
9. Copy of the order be given dasti, as prayed.

G. S. SISTANI, J

SANGITA DHINGRA SEHGAL, J

JANUARY 23, 2018
gr

न्यायमेव जयते