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

+ W.P.(C) 1146/2018 and CM No. 4807/2018

PRAMOD SINGH Petitioner

Through: Mr Rajan Chaudhary, Adv

versus

NORTH MCD AND ORS. Respondents

Through: Ms Prema Priyadarshini and
Mr Ashish Shaw, Adv for R-1
Shonhana Takiar, Adv for R-2&3

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **23.05.2018**

The petitioner claims to be a regular street vendor. It is the case of the petitioner that he is squatting at Arya Samaj Road, Near Dena Bank, opposite Pilli Building, Karol Bagh, Delhi since the year 1981-82. He further submits that he has been issued *tehbazari* ticket from the year 1982 onwards. He submits that on 07.12.2017 his goods have been seized by the officials of the respondents and he is not being allowed to vend. Counsel for the respondent No. 1 disputes the averments made in the writ petition. She submits that the petitioner was squatting on the metal road near Dena Bank, Arya Samaj Road, Karol Bagh and causing hindrance to free movement of traffic and pedestrians. She has placed reliance on photographs placed on record in support of her submission.

Learned counsel for the petitioner submits that the petitioner is being singled out as the entire area is full of street vendors. He relies on the photographs placed on record by the respondent itself in support of his submission.

Learned counsel for the respondent No. 1 submits that the respondents have been regularly conducting drives to remove illegal

encroachers, however, the encroachers return and thus no advantage can be derived by the petitioner on this ground. She submits that the petitioner will not be singled out and uniform action will be taken against all the encroachers.

At this stage, the learned counsel for the petitioner submits that the petitioner would approach the Town Vending Committee with supporting documents and merely because petitioner is not found vending should not be a ground alone to reject his case. Counsel for the respondents, without admitting any of the averments made in the writ petition, has no objection to the same.

Accordingly, we dispose of the writ petition binding the parties to the stand taken in court. In case the petitioner approaches the TVC with all supporting documents, the TVC is directed to consider the case of the petitioner in accordance with law. Merely because the petitioner may not found to be vending at the site should not be a ground to reject his case.

We make it clear that we have not expressed any opinion on the merit of the matter.

In view of the above directions, the writ petition as well as the pending application are disposed of as prayed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

MAY 23, 2018 / SU