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

% *Date of Judgment : 7th March, 2018*

+ W.P.(C) 1293/2018

SITA RAWAT

..... Petitioner

Through: Mr. Ramesh Kumar Mishra, Advocate.

versus

SOUTH DELHI MUNICIPAL COUNCIL (SDMC) Respondent

Through: Mr. Tajinder Viridi, Advocate for SDMC.

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 regular street vendor and vending at Site No. 319, Prem Nagar Nallah, Subzi Market, New Delhi.
2. Learned counsel for the petitioner submits that in view of the fact that the rules of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules 2017 have been notified on 10.01.2018, the petitioner would approach the Town Vending Committee (TVC) with the supporting documents. He seeks a direction that as and when the TVC is constituted, her name should be considered and merely because she is not found vending at the site when the survey is conducted, that should not be a ground to reject her case.
3. Learned Counsel appearing on behalf of the respondent without

admitting any of the averments made in the writ petition, submits that should 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.

4. 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.
5. 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.
6. The writ petition is disposed of.

G. S. SISTANI, J

SANGITA DHINGRA SEHGAL, J

MARCH 07, 2018/gr