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

% *Date of Judgment : 22nd February, 2018*

+ W.P.(C) 1451/2018

SH. RAJU CHAUHAN Petitioner

Through: Mr. Rajeev Ranjan Pandey, Advocate.

versus

THE LIEUTENANT GOVERNOR AND ORS. Respondents

Through: Mr. Devesh Singh, ASC (Civil) for
respondents No. 1, 6 and 7.

Mr. Nishant Anand and Ms. Shilpa
Devan, Advocates for respondents No. 2
to 4.

Mr. R. H. A Sikander, Mr. PRateek
Gupta and Mr. D. A. Naqvi, Advocates
for respondent No. 9.

Mr. Rahul Sharma and Mr. C. K. Bhatt,
Advocates for respondent No. 10.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

1. Copies of challans have been filed by the petitioner without serving copies to counsel for the respondents. Copies supplied to counsel for the respondents in Court today. Registry to explain as to how the documents were accepted without copies being served to the respondents.
2. This is a petition under Article 226 of the Constitution of India filed by the petitioner. The petitioner claims to be a regular street

vendor. Petitioner has placed the copies of challans in support his claim.

3. Learned counsel for the petitioner submits that petitioner had been squatting at opposite Koktla Mubarakpur Gurudwara, L-602-648, Sewa Nagar Corner, New Delhi for the past many years and under the fears of being removed, he has filed the present petition.
4. Learned counsel for the petitioner further submits that the petitioner would approach the Town Vending Committee (hereinafter referred to as 'TVC') with all supporting documents and seeks a direction from this Court that as and when the TVC is constituted, his case may be considered in accordance with law.
5. Learned counsels for the respondents without admitting any of the averments made in the writ petition, submit 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.
6. We have heard learned counsel for the parties.
7. We dispose of this writ petition 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 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.

8. We make it clear that in case the petitioner is not found vending at the time of survey, it would not be a ground to reject the case of the petitioner . We further 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.

9. The writ petition is disposed of.

CM APPLN. No. 5994/2018 (Stay)

The present application stands disposed of in view of the order passed in the writ petition.

G. S. SISTANI, J

SANGITA DHINGRA SEHGAL, J

FEBRUARY 22, 2018

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