

\$~9

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

+ W.P.(C) 1046/2017

RAJEEV GUPTA & ANR

..... Petitioners

Through Mr. Alamgir, Advocate

versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through Ms. Reema Khorana and Ms. Shreya
Sharma, Advocate for SDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

%

06.02.2018

This is a petition under Article 226 of the Constitution of India filed by the petitioners. The petitioner no.2 claims to be a regular street vendor and is vending in Sector-9, R.K. Puram, New Delhi. Aggrieved by his removal by the MCD on 30.12.2015, has led to the filing of the present writ petition.

Mr. Alamgir, learned counsel for the petitioner submits that the petitioner is a regular street vendor and was running a telephone booth. It is submitted that even the electricity connection was granted and installed at the site. The complaint of the petitioner is that while the petitioner has been removed, other unauthorised street vendors are allowed to vend. Certain photographs have been placed on record to support his claim.

Ms. Khorana, learned counsel for the SDMC submits that the petitioner is not a regular street vendor. The challans placed on record show that he was vending at different places at different points of time. Ms. Khorana further submits that the action was taken in December, 2015 as certain street vendors were coming in the right of way and obstructing the free movement of

pedestrians. She submits that the petitioner was not removed in December, 2015 but much earlier. Mr. Alamgir, counsel for the petitioner submits to the contrary.

As far as the photographs placed on record to show that other street vendors are allowed to squat are concerned, Ms. Khorana submits that some of the street vendors are allowed to vend as they are authorised street vendors. She further submits that in case the petitioner has any grievance, it would be open for him to file a separate writ petition giving full particulars of such street vendors who are illegally occupying public area to enable the SDMC to take appropriate action. Counsel for the respondent submits that fresh rules of Delhi Street Vendors(Protection of Livelihood and Regulation of Street Vending) Rules 2017 have been notified on 10.01.2018. She further submits that the petitioner may approach the Town Vending Committed(TVC) as and when it is functional with all supporting documents.

At this stage, Mr. Alamgir submits that the petitioner would approach the TVC as and when it is functional with all supporting documents. It is directed that 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.

With these observations, the writ petition stands disposed of, as prayed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

FEBRUARY 06, 2018

pst/
W.P.(C) 1046/2017