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

+ **W.P.(C) 1537/2018**

VASU DEV SAINI

..... Petitioner

Through: Mr.Ramesh Kumar Mishra and
Mr.Rajnish Kumar Singh, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) & ANR

..... Respondents

Through: Mr.Vivek Aggarwal, Standing
Counsel with Mr.Rajender Yadav,
ASC for respondent no.1/NDMC.
Ms.Jyoti Taneja, Advocate for
respondent no.2/GNCTD.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **19.02.2018**

CM No.6306/2018 (exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 1537/2018

This is a petition under Article 226 of the Constitution of India filed by the petitioner. Mr.Mishra, counsel for the petitioner submits that the petitioner is a regular street vender and he is squatting at the pavement near Durga Mandir, Sarojini Nagar market, New Delhi. Fear of removal by the respondent has led to the filing of this writ petition.

Counsel for respondent no.1 enters appearance on an advance copy

and disputes the averments made in the writ petition and submits that the petitioner is not a regular street vendor, which is disputed by the counsel for the petitioner. Counsel for the respondent submits that the petitioner cannot be allowed to vend at the spot in question as free movement of pedestrians is being obstructed.

Mr. Mishra, at this stage, submits that the petitioner would be satisfied if the petitioner is allowed to approach the Town Vending Committee (TVC) as and when it becomes functional and merely because he may not be found vending at the spot at the time of survey, that should not be a ground to reject his case.

Counsel for the respondent submits that should the petitioner make 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.

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 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.

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.

The writ petition is disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

FEBRUARY 19, 2018
SSC