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

+ W.P.(C) 1796/2018 & C.M.7402/2018

SIYARAM SARAJ & ANR. .... Petitioners

Through: Mr.Sanjay Baniwal, proxy counsel for  
Mr.Kamlesh Kr.Mishra, Advocate

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through: Mr.Amit Chadha, Adv. for SDMC with  
Dr.Deepak Mittal, Deputy Health Officer,  
Nazafgarh Zone and Mr.Satyender  
Naagar, Health Inspector.  
Mr.Naushad Ahmad Khan, ASC (Civil),  
GNCTD with Ms.Sana Naseem, Adv. for  
R-2 and R-3.

**CORAM:**

**HON'BLE MR. JUSTICE G.S.SISTANI**

**HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL**

**ORDER**

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**02.08.2018**

The petitioners claim to be the regular street vendors and have been hawking outside Shop No.1 and Shop No.7, Dalit Ekta Camp, C-6 and C-7, Near Indian Oil Petrol Pump, Opposite C-8, Gate no.-15, Vasant Kunj, New Delhi for the past many decades. Fear of dispossession has led to filing of the present writ petition. Counsel for the petitioners submits that since fresh rules of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules 2017 have been notified on 10.01.2018, the election for the formation of Town Vending Committee (TVC) has been held on 15.07.2018 and the first TVC is likely to be constituted shortly, the petitioners would approach the TVC as and when it is functional with all supporting documents. He further seeks a direction to the TVC that merely because the petitioners are not found squatting at the time of survey, that alone should not be a ground to reject their case.

Counsel for the SDMC/respondent, without admitting any of the averments made in the writ petition, submits that should the petitioners make an application with all supporting documents before the TVC, the same would be considered in accordance with law and merely because the petitioners are not found squatting, that itself alone would not be a ground to reject their case.

Accordingly, the present petition is disposed of with the following agreed directions:-

- (i) The petitioners would approach the TVC as and when it is constituted with all supporting documents;
- (ii) The TVC will consider the case of the petitioners in accordance with law after taking into consideration all the material placed on record;
- (iii) Merely because the petitioners are not found vending at the site when the survey is conducted, that by itself would not be a ground alone to reject their 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.

In above terms, the present writ petition alongwith C.M.7402/2018 stands disposed of.

**G.S.SISTANI, J**

**SANGITA DHINGRA SEHGAL, J**

**AUGUST 02, 2018**

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