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

+ W.P.(C) 1924/2018 & CM No.7994/2018

LAL CHAND

..... Petitioner

Through: Mr.Vijay Babbar, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondents

Through: Mr.Tushar Sannu, Advocate for
respondent/North MCD.
Mr.Anjum Javed, Addl. Standing
Counsel with Mr.Devendra Kumar,
Advocate for respondent no.2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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05.04.2018

Counsel for the petitioner submits that the petitioner has been vending at Gali No.2732/24, Near COBB, New Diamond Mall, Ajmal Khan Road, Beadonpura, Karol Bagh, New Delhi for the past many years. The grievance of the petitioner is that he is being harassed by the official of the respondent and is not allowed to vend. Counsel, however, submits that the rules of the Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 have been notified on 10.01.2018 and he would approach the TVC as and when it is constituted 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 without admitting any of the averments made in the writ petition submits that if 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.

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.

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 alongwith pending application is disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

APRIL 05, 2018/ssc
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