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

+ W.P.(C) 2054/2018

SATISH CHAND CHAURASIA Petitioner

Through Mr. Lakshay Sawhney, Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL Respondent

Through Mr. Sri Harsha Peechara, Standing
Counsel with Mr. Rajender Yadav & Ms.
Vidhi Jain, Advocates.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **06.03.2018**

CM.APPL 8465/2018 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

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By the present writ petition, the petitioner claims to be vending at near Gate of Subway, INA Market, New Delhi since the year 2004 and selling *Pan*, *Bidi*, *Cigarette* etc. Mr. Sawhney, counsel for the petitioner submits that the officials of the respondent are harassing the petitioner and not allowing him to vend at the site in question. Counsel further submits that the petitioner had made a representation to the NDMC in the year 2006, but no response has been received so far.

Mr. Peechara, Standing Counsel, who enters appearance for the NDMC on an advance copy, submits that the petitioner is not a regular street vendor and thus, he cannot be allowed to vend as it obstructs free flow of traffic and free

movement of pedestrians in the area.

In response, Mr. Sawhney submits that the petitioner has been vending since the year 2004. To support his submission, counsel has placed copies of challans from the year 2004 onwards. Counsel however submits that the petitioner would be satisfied if leave is granted to the petitioner to approach the Town Vending Committee (TVC) as and when it is constituted. He seeks a direction to the TVC to consider the case of the petitioner in accordance with law and merely because he may not be found vending at the spot at the time of the survey, 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 in case the petitioner approaches the TVC as and when it is constituted with all supporting documents, the case of the petitioner would be considered in accordance with law and merely because he is not found vending at the spot at the time of survey, that would not be a ground to reject his case.

In view of the above, the writ petition is disposed of.

We make it clear that we have not expressed any opinion on the merits of the case and this order is being passed without prejudice to the rights and contentions of both the parties.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

MARCH 06, 2018/ck/

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