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

+ W.P.(C) 4510/2018

PATRI VYAPAR ASSOCIATION, NEW LAJPAT RAI MARKET

..... Petitioner

Through: Ms.Rekha Aggarwal, Advocate

versus

DELHI POLICE AND ANR.

..... Respondents

Through: Mr.Anvi Aggarwal, ASC for R-1.

Ms.Mini Pushkarna, standing counsel for
North DMC with Ms.Swagata Bhuyan
and Ms.Shiva Pandey, Advts. for R-2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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02.08.2018

The members of the petitioner association claim to be regular street vendors and claim to be vending since 1991 at Subhash Marg Footpath and other areas. It is submitted that on account of obstructions and harassment, the members of the petitioner association have approached this Court seeking a direction that the members of the petitioner association be not removed from the areas where they are squatting.

The averments made in the writ petition have been opposed by learned counsel for the respondents.

At this stage, counsel for the petitioner association submits that since the fresh rules of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules 2017 have been notified on 10.01.2018 and the election for the formation of first Town Vending Committee (TVC) has been held on 15.07.2018 and the first TVC is likely to be constituted shortly, the members of petitioner association would approach the TVC seeking reliefs so mentioned in the writ petition. Counsel for the petitioner association also seeks a direction to the TVC that in case any of the members of the petitioner association are not

found squatting at the time of survey that should not be a ground alone to reject their case.

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

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

- (i) The members of petitioner association would approach the TVC as and when it is constituted with all supporting documents;
- (ii) The TVC will consider the case of the members of petitioner association in accordance with law after taking into consideration all the material placed on record;
- (iii) Merely because the members of petitioner association 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 stands disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 02, 2018/rb/