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

% *Date of Judgment : 19TH March, 2018*

+ W.P.(C) 2588/2018

G RAJU

..... Petitioner

Through: Mr. Vijay Babbar, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR.

..... Respondents

Through: Ms. Puja Kalra, Advocate for NDMC.
Ms. Isha Khanna, Advocate for R-2.
SI Bajrang (D-6013), PS-Karol Bagh.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

CM APPLN. No. 10628/2018 (Exemption)

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W. P. (C) 2588/2018

1. This is a petition under Article 226 of the Constitution of India and under the Street Vendors Act, 2014 filed by the petitioner. The petitioner claims to be a regular street vendor and is vending at Site No. 13/9, WEA, Padam Singh Road, Near J&K Emporium, Karol Bagh, New Delhi. Under the threat of being removed has led to filing of the present writ petition.

2. Learned counsel for the petitioner submits that in view of the fact that the Rules of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules 2017 have been notified on 10.01.2018, the petitioner would approach the Town Vending Committee (TVC) with the supporting documents. He seeks a direction that as and when the TVC is constituted, his name should be considered and merely because he is not found vending at the site when the survey is conducted, that should not be a ground to reject his case.
3. Learned Counsel appearing on behalf of the respondent submits that the area in question is no hawking zone and the street vendors have been removed as and when the drive is conducted. However, they return back to the area in question. Learned counsel without admitting any of the averments made in the writ petition, 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.
4. 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.

5. 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.

6. The writ petition is disposed of.

CM APPLN. No. 10627/2018 (Stay)

In view of the order passed in the writ petition, the present application stands disposed of.

G. S. SISTANI, J

SANGITA DHINGRA SEHGAL, J

MARCH 19, 2018
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