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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3851/2018 and CM No. 15235/2018

SANDEEP

..... Petitioner

Through: Mr N.K. Sahoo and Mr S.B. Sahoo,
Advs

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR.

..... Respondents

Through: Ms Vasundhara Nayyar, Adv for R-1
Mr Chirag Madan, Adv for R-2

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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09.05.2018

The petitioner claims to be squatting near shop/building No. 8-G, Near Spark Mall, in front of Aanchal, Kamala Nagar, PS Roop Nagar since 2007. The complaint of the petitioner is that his possession has been disturbed by the officials of respondents. Counsel for the respondent No. 1, on instructions, submits that the petitioner is not a regular street vendor. Additionally it is submitted that he cannot be allowed to squat at the area in question which is no hawking no vending zone. Counsel for the respondent No. 1 also submits that the Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules 2017 have now been notified on 10.01.2018, public notice has been given for submission of documents to enable the Corporation to prepare the electoral roll for the purpose of conducting elections for the Town Vending Committee (TVC). Counsel for respondent No. 1 further submits that in case the petitioner is eligible, he should approach the TVC.

At this stage, Mr Sahoo, learned counsel for the petitioner, submits that the petitioner is an eligible and a regular squatter and he would approach the TVC as and when it is constituted and if for any reason he would not found to be squatting at the spot, the same should not be a ground alone to reject his case.

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

- (i) The petitioner would make a representation to the TVC in the prescribed format with supporting documents;
- (ii) The TVC will consider the case of the petitioner in accordance with law after taking into consideration all the material placed on record;
- (iii) In case, when the survey is conducted and the petitioner is not found squatting, that by itself would not be a ground to reject the case of the petitioner, if the petitioner is able to place relevant documents on record.

This order is being passed without prejudice to the rights and contentions of both the parties and without expressing any opinion on the merits of the matter.

The writ petition and CM No. 15235/2018 are disposed of.

Dasti.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

MAY 09, 2018 / SU