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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4119/2018 and CM No. 16226/2018 (stay)

KRISHAN LAL

..... Petitioner

Through: Mr Jivesh Kumar Tiwari, Adv

versus

EAST DELHI MUNICIPAL CORPORATION Respondent

Through: Mr G.D. Mishra, SC for EDMC with
Mr Vineet Gautam, AO

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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01.08.2018

The petitioner claims to be a regular street vendor with 88% disability. Copy of the Permanent Disability Certificate has been placed on record. The complaint of the petitioner is that he is not being allowed to carry out his vending activities and a covered kiosk where he was running a PCO booth has been removed from Community Building, Near Lahore Colony, Shastri Nagar, Delhi. Copies of sample challans have been placed on record. Mr Mishra, learned counsel appearing for the EDMC, submits that elections to the first Town Vending Committee (TVC) stand conducted and allotment is to be made by the TVC. Mr Tiwari, learned counsel for the petitioner, submits that having regard to the disability of the petitioner, a direction be issued both to the TVC and to the EDMC to consider his case expeditiously, on account of his disability and for the reason that his application is pending since the year 2001.

We have heard the learned counsels for the parties.

Having regard to the fact 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 also having regard to the fact that after public notices were issued, the elections to the first TVC stands conducted on 15.07.2018, we have no hesitation to note that TVC would be formed soon. As per the Street Vendors Act, allotment of *tehbazari* sites is to be made by the TVC. But taking into consideration the 88% disability of the petitioner, we direct the MCD to consider his request as an interim measure to permit him to earn his livelihood at the place so mentioned or any other place. We make it clear that in case the petitioner is allowed to vend, the permission would be only interim in nature and subject to the final order to be passed by the TVC. Petitioner, who is present in Court, undertakes that he would not raise any *pakka* construction. Meanwhile, we also grant liberty to the petitioner to approach the TVC with all supporting documents. TVC is directed to consider the case of the petitioner expeditiously. We also make it clear that in case at the time of survey, the petitioner is not found to be vending, that would not be a ground alone to reject his case.

With these directions, the writ petition and the pending application are disposed of.

Dasti.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 01, 2018 / SU