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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4694/2018**
OM PRAKSH KHURANA Petitioner
Through: Mr.Satish Kumar Tripathi, Advocate
with Petitioner.

versus

NEW DELHI MUNICIPAL COUNCIL Respondent
Through: Mr.Vivek Aggarwal, Standing
Counsel for respondent no.1/NDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

O R D E R

% **04.05.2018**

CM No.18064/2018 (exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

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The petitioner claims to be a regular street vendor/squatter and was vending behind Shop No.51, Sarojini Nagar, New Delhi. It is also the case of the petitioner that post the Bomb Blast in Sarojini Nagar, the petitioner was removed and was not allowed to vend.

Mr.Tripathi, counsel for the petitioner submits that the petitioner only seeks a direction that as and when the Town Vending Committee(TVC) is constituted, the name of the petitioner 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.

Mr. Aggarwal, Standing Counsel appearing on behalf of the respondent 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.

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 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.

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.

The writ petition is disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

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