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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4679/2018

NAND KISHORE

..... Petitioner

Through: Mr M.M. Kashyap, Adv

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through: Ms Jyoti Taneja, Adv for NDMC

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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17.05.2018

This is a petition under Article 226 of the Constitution of India.

A limited prayer has been made which we reproduce below:-

“(a) To give direction to respondent to transfer the street vendors claim rights of Late Shri Krishan in the name of the petitioner as per the policy framed in 2007 by MCD and as per the order passed by the Hon’ble Supreme Court.”

The petitioner claims that his father Late Shri Krishan was carrying on his trade near Mandir Road Gate No. 5, Opposite Shani Mandir Near Electric Office, Delhi – 6. It is submitted that his father died on 30.07.2017. Thereafter the petitioner filed writ petition No. 5740/2018 praying that the rights of his deceased father may be transferred to him as he had received a no objection from all the other legal heirs. This Court had directed the petitioner to make a representation to the North Delhi Municipal Corporation. It is claimed that a representation was made on 27.02.2018 copies of

documents including the death certificate, affidavit of the petitioner, copy of no objection, affidavit of the mother-Kamlesh, sister-Geeta and brother-Dinesh were also submitted. Ms Taneja, counsel for the respondent, submits that in the absence of the deceased being a tehbazari license holder, no mutation can be carried out in favour of the petitioner. Counsel for the petitioner submits that the petitioner should be considered as a claimant to the rights of his father although his father was not an authorised street vendor.

We have heard the learned counsel for the parties.

The only relief sought by the learned counsel for the petitioner is that the petitioner should be treated as a claimant and he should be able to derive the benefit of the fact that his father was a regular street vendor at the time, when the Town Vending Committee (TVC) is constituted and is functional. We make it clear that after the TVC is functional, in case the petitioner makes an application along with all the relevant documents, the TVC would consider the case of the petitioner in accordance with law and in case any right accrues in his favour, petitioner would be entitled for the same.

With this direction, the writ petition is disposed of.

Dasti under the signature of Court Master.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

MAY 17, 2018
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