

\$~5, 6, 7, 8, 10, 26, 27 & 28

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

+ W.P.(C) 6193/2018 & C.M.23908/2018

KRISHNA DEVI AND ORS.

..... Petitioners

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondents

+ W.P.(C) 6249/2018 & C.M.24124/2018

SATYANARYAN SATH & ORS

..... Petitioners

versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR ... Respondents

+ W.P.(C) 6264/2018 & C.M.24158/2018

PRABHA RANI AND ORS.

..... Petitioners

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondents

+ W.P.(C) 6274/2018 & C.M.24208/2018

HARISH CHAND CHAURASIA

..... Petitioner

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondents

+ W.P.(C) 6521/2018 & C.M.24933/2018

SANJEEV GUPTA

..... Petitioner

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondents

+ W.P.(C) 5036/2018 & C.M.19394/2018

BALIRAJ

..... Petitioner

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondents

+ W.P.(C) 5079/2018 & C.M.19642/2018

SAMSUDHIN AND ORS.

..... Petitioners

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondents

+ W.P.(C) 5080/2018 & C.M.19657/2018

DARSHNA DEVI

..... Petitioner

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondents

Present: Mr.V.S.Dubey and Mr.Mohd. Faizan, Advocates for the petitioners in all the matters.
 Ms.Sangeeta Chandra and Mr.Lokesh Kumar Sharma, Advocates for SDMC in items no.5, 7 & 8.
 Ms.Warisha Farasaj, Advocate for respondent no.2 in item no.5.
 Mr.Tarveen Singh Nanda, Advocate for respondent no.2 in item no.6 with SI Sunita Maan.
 Mr.Paritosh Anil, Advocate for SDMC in item no.7.
 Mr.Shlok Chandra, Advocate for Delhi Police in item no.7.
 Mr.A.K.Sharma, standing counsel for SDMC in item no.10.
 Mr.Abhishek Kr.Singh, Advocate for R-2 in item no.10
 Mr.Rishikesh Kumar, ASC, GNCTD and Mr.PremSagar Pal, Advocate in item no.26.
 Mr.Tushar Sannu, Advocate for SDMC in item no.28.
 Mr.Anjum Javed, ASC, GNCTD with Mr.Devendra Kumar, Mr.Faran Ahmed and Ms.Priti, Advocates for respondent no.2 in item no.28 with SI Sanjeev Kumar, PS Vasant Kunj.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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06.09.2018

The petitioners claim to be the regular street vendors. Fear of dispossession has led to filing of the present writ petitions. Counsel for the petitioners submits that since fresh rules of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules 2017 have been notified on 10.01.2018, the election for the formation of Town Vending Committee (TVC) has been held on 15.07.2018 and the first TVC is likely to be constituted shortly, the petitioners would approach the TVC as and when it is functional with all supporting documents. He further seeks a direction to the TVC that merely because the petitioners are not found squatting at the time of survey, that alone should not be a ground to reject their case.

Counsels for the SDMC/respondents, without admitting any of the averments made in the writ petition, submit that should the petitioners make an application with all supporting documents before the TVC, the same would be

considered in accordance with law and merely because the petitioners are not found squatting, that itself alone would not be a ground to reject their case.

Accordingly, the present petitions are disposed of with the following agreed directions:-

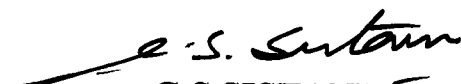
- (i) The petitioners would approach the TVC as and when it is constituted with all supporting documents;
- (ii) The TVC will consider the case of the petitioners in accordance with law after taking into consideration all the material placed on record;
- (iii) Merely because the petitioners are not found vending at the site when the survey is conducted, that by itself would not be a ground alone to reject their case.

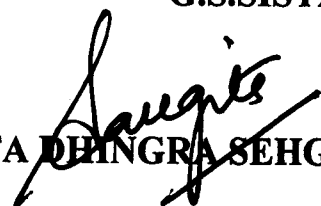
We make it clear that we have not expressed any opinion on the merits of the matter and this order is being passed without prejudice to the rights and contentions of both the parties.

In above terms, all the writ petitions stand disposed of.

C.M.23908/2018 in W.P.(C) 6193/2018
C.M.24124/2018 in W.P.(C) 6249/2018
C.M.24158/2018 in W.P.(C) 6264/2018
C.M.24208/2018 in W.P.(C) 6274/2018
C.M.24933/2018 in W.P.(C) 6521/2018
C.M.19394/2018 in W.P.(C) 5036/2018
C.M.19642/2018 in W.P.(C) 5079/2018
C.M.19657/2018 in W.P.(C) 5080/2018
(stay)

The applications stand disposed of, in view of the order passed in the writ petitions.


 G.S.SISTANI, J


 SANGITA DHINGRA SEHGAL, J

SEPTEMBER 06, 2018/rb