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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 4712/2018
MOHAN LAL GUPTA Petitioner
Through: Ms.Monika Sharma and Mr.Dharmender
Sharma, Advocates.

versus

SOUTH DELHI MUNICIPAL CORPORATION (SDMC) AND ANR.
..... Respondents
Through: Ms.Shobhana Takiar and Mr.Prateek
Dhir, Advocates for
respondent/GNCTD.
Mr.Mukesh Gupta, Standing Counsel
with Mr.Sashi Gupta and Mr.Sanjeev
Garg, Advocates for respondent/NDMC.

CORAM:

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

ORDER

% **04.05.2018**

CM No. 18132-18134/2018 (exemption)

Exemption allowed, subject to all just exceptions.

The applications stand disposed of.

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Ms.Sharma, counsel appearing for the petitioner submits that the petitioner is a regular street vendor and he has been running his stall opposite D-8, NDSE-II, near Mac Donald. She submits that the petitioner has been removed from the aforesaid site.

Ms.Sharma, 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.Gupta, 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

**MAY 04, 2018/ssc
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