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

+ **W.P.(C) 4862/2018 and CM No. 18729/2018**

SURESH CHAUDHARY AND ORS. Petitioners

Through: Mr Jivesh Tiwari, Adv

versus

EAST DELHI MUNICIPAL CORPORATION AND ANR

..... Respondents

Through: Mr Tushar Sannu, Adv for EDMC

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **23.05.2018**

Nine petitioners have filed the present writ petition under fear of dispossession at the hands of the officials of the respondents. The petitioners claim to be squatting near MAX Hospital, Gate No. 2, Patparganj, Delhi. Mr Tiwari, learned counsel for the petitioners, submits that having regard to the fact that the rules of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules 2017 have since been notified on 10.01.2018 and serious endeavour is being made for constitution of the Town Vending Committee which is evident from the fact that public notices have been issued for production of documents to prepare the electoral roll, at this stage, the petitioners would be satisfied in case a direction is issued to the respondents to consider their case as and when the Town Vending Committee (TVC) is constituted. Mr Tiwari, also submits

that if for any reason, the petitioners are not found to be vending at the time of the survey, this alone should not be a ground to reject their case.

Mr Sannu, learned counsel, who is appearing for respondent No. 1 submits that the petitioners are not regular street vendors, however, without admitting any of the averments made in the writ petition, he submits that if the petitioners approach the TVC as and when it is constituted with all supporting documents, the TVC would consider the case of the petitioners and merely because they may not be found vending at the time of the survey would not be a ground alone to reject their case.

In view of the stand taken by the learned counsel for the parties, we dispose of the writ petition. Pending application is also disposed of.

However, we make it clear that this order is being passed without prejudice to the rights and contentions of both the parties and without expressing any opinion on the merits of the matter.

Dasti.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

MAY 23, 2018
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