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

+ W.P.(C) 5394/2018

MOHD. AARFIN AND ORS. Petitioners

Through: Mr.Kartickay Mathur and Mr.Sanket
Gupta, Advocates

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr.Shekhar Vyas, Advocate

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **18.05.2018**

C.M.20949/2018 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 5394/2018

The present writ petition has been filed by the petitioners who claim to be squatting at S.P.Mukherjee Marg Market for the last two decades. It is contended that they are earning their livelihood by selling readymade garments, bags and food items etc. Counsel submits that the officials of the respondents are not allowing them to vend.

Counsel appearing for respondent submits that the area in question is a 'no vending' and 'no hawking' zone and thus, the petitioners cannot be allowed to vend there. Counsel for the petitioners submits that in case the area in question is a 'no vending' and 'no hawking' zone, having regard to the fact that petitioners have been vending there for a long period of time, they should be granted alternate sites.

We have heard learned counsels for the parties.

Counsel for the petitioners submits that the fresh rules of the Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 have since been notified on 10.01.2018. We are also informed that the process for constitution of the Town Vending Committee (TVC) is underway and a public notice has been issued calling upon the street vendors to furnish documents to enable the Corporation to prepare the electoral roll to conduct elections for the TVC.

In our view, having regard to the submissions made, no relief can be granted to the petitioners. Needless to say, the petitioners would be at liberty to approach the TVC as and when it becomes functional and merely because they may not be found vending at the spot at the time of survey, that should not be a ground to reject their case.

Learned counsel appearing on behalf of the respondent, without admitting any of the averments made in the writ petitions, submits that should the petitioners make an application with 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 the case of the petitioners.

With the above directions, the writ petition stands disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

MAY 18, 2018

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