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

+ W.P.(C) 5626/2018

DEVENDER KUMAR MANDAL Petitioner

Through Mr. N.K. Sahoo, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through Ms. Mansi Gupta, Advocate for NDMC.

Mr. Zahid Hanief, Advocate for Naushad

Ahmed Khan, ASC (Civil) for R-2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **30.05.2018**

1. The present writ petition has been filed by the petitioner under Article 226 of the Constitution of India. Petitioner claims to be squatting at the corner of Shop/Building no.9-G, near Spark Mall, Kamla Nagar, P.S. Roop Nagar, Delhi. Fear of dispossession has led to filing of the present writ petition.
2. Mr. Sahoo, counsel for the petitioner candidly admits that the name of the petitioner does not find mentioned in any of the lists prepared either by Thareja Committee or Chopra Committee. He also submits that the petitioner has not applied under the 2007 Scheme.
3. Mr. Sahoo submits that the fresh rules of the Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 have been notified on 10.01.2018 and the process for constitution of the Town Vending Committee (TVC) is underway. 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.
4. At this stage, counsel for the petitioner submits that amended rules of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules 2017 have been notified on 10.01.2018. Public notice has

been issued and street vendors have been called to submit applications with supporting documents to enable the Corporation to prepare the electoral roll. He submits that the petitioner may be permitted to approach the TVC with all supporting documents as and when it is constituted with a direction that the TVC would consider the case of the petitioner in accordance with law and merely the petitioner is not found squatting at the site at the time of survey, that itself alone would not be a ground to reject the case of the petitioner.

5. Learned 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 all supporting documents before the TVC, the same would be considered in accordance with law and merely because the petitioner is not found squatting at the site at the time of survey, that itself alone would not be a ground to reject the case of the petitioner.
6. Accordingly, the petitioner may approach the TVC as and when it is functional with all the supporting documents. The TVC would consider the case of the petitioner in accordance with law after taking into consideration all the material placed on record.
7. The writ petition stands disposed of in above terms, as prayed.

CM APPL21945/2018 (stay)

8. The application stands disposed of in view of the order passed in the writ petition.
9. *Dasti.*

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

MAY 30, 2018/ck/

