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

+ W.P.(C) 6004/2018

RAMESH CHAND Petitioner

Through: Ms Monika Sharma and
Mr Dharmendu Sharma, Advs

versus

NEW DELHI MUNICIPAL COUNCIL AND ORS Respondents

Through: Mr Mananjay Mishra, Adv for
NDMC
Mr Sumit Jidani, Adv for R-3

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **29.05.2018**

CM Nos. 23381-82/2018 (exemption)

Exemptions are allowed subject to all just exceptions.

Applications are disposed of.

W.P.(C) 6004/2018 and CM No. 23383/2018 (stay)

The petitioner claims to be a regular street vendor. He also claims to be vending near Indian Oil Corporation behind LIC Building on Janpath Lane, New Delhi. It is also contended that the petitioner has made an application for grant of *tehbazari* license under the 2007 Scheme. Counsel also submits that the officials of the respondent No. 2 had removed the petitioner from his vending site in September 2016. Mr Sharma, counsel for the petitioner, contends that having regard to the fact that Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules 2017 have been

notified on 10.01.2018 and serious steps are being taken by the NDMC for conducting elections for constitution of the Town Vending Committee (TVC), he seeks leave of this court to make application to the TVC as and when it is constituted. However, it is prayed that merely because he may not be found vending at the time when the survey is conducted should not be a ground alone to reject his case.

Issue notice to show cause as to why petition be not admitted. Counsels for respondents accept notice.

The averments made in the writ petition are disputed, however, counsel for NDMC submits that should the petitioner make an application with all supporting documents, the TVC would consider the same in accordance with law and merely because the petitioner may not be found vending, would not be a ground alone to reject his case.

Accordingly, having regard to the stand taken by the counsels for the parties in the court today, the present writ petition is disposed of. In case the petitioner approaches the TVC with all supporting documents, his case would be considered in accordance with law. However, we make it clear that we have not expressed any opinion on the merits of the case.

Writ petition along with pending application are disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

MAY 29, 2018 / SU