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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6083/2018 & CM No.23824/2018 (stay)
SHYAM @ SRI SHYAM Petitioner
Through: Mr.Sanjay Baniwal, Advocate for Mr.Kamlesh
Kr. Mishra, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS
..... Respondents

Through: Mr.Mukesh Gupta, Standing Counsel with
Ms.Shashi Gupta, Advocate for R-1/SDMC.
Mr.Anand V. Khatri, Advocate for R-2 & 3 with
SI Sanjeev Chaudhary, PS Vasant Kunj, South.
Mr.Chiranji Lal, Licensing Inspector (SDMC)

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

% **ORDER**
05.07.2018

The petitioner claims to be a regular street vendor and claims to be vending at Nagal Devat Village Road, Vasant Kunj, New Delhi for the past two decades. Under the threat of removal by the officials of the respondents has led to filing the present writ petition.

Mr.Mukesh Gupta, counsel for the MCD on instructions submits that the petitioner cannot be allowed to vend at the spot in question as it is within the 50 meters of the traffic intersection. He further submits that the MCD has taken a uniform action and removed unauthorized vendor from the area in question to keep the road encroachment free. Mr.Gupta, counsel for the MCD also submits that the MCD will take a uniform action and will not permit any street vendor as the area is a 'no hawking' and 'no vending' zone.

We may note that the rules of the Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 have been notified on 10.01.2018 and we are informed that the election of the first Town Vending Committee (hereinafter referred to as the 'TVC') is scheduled to be held on 15.07.2018.

We grant liberty to the petitioner to move an appropriate application along with supporting documents before TVC as and when constituted to consider the case of the petitioner. The TVC will consider the case of the petitioner in accordance with law after taking into consideration all the material placed on record.

We make it clear that merely because the petitioner may not be found vending at the spot at the time of survey that should not be a ground to reject his case.

We make it clear that we have not expressed any opinion on the merits of the case and this order is being passed without prejudice to the rights and contentions of both the parties.

The writ petition is disposed of.

CM No.23824/2018 (stay)

The application stands disposed of, in view of order passed in the writ petition.

G. S. SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 05, 2018
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