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

+ W.P.(C) 6374/2018

SITA DEVI

..... Petitioner

Through Mr. Satish Kumar Tripathi, Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through Mr. Mananjay Mishra, Advocate.

Mr. Sanjeet, Area Inspector, NDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

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21.08.2018

This is a petition under Article 226 of the Constitution of India filed by the petitioner, who claims to be a regular street vendor. Counsel for the petitioner submits that the petitioner has been carrying out her vending activities at corner of Laxmi Bai Nagar Market (behind public toilet), Laxmi Bai Nagar, New Delhi for past many years. Sample copies of challans have been placed on record.

It is the grievance of the petitioner that she has been dispossessed in the month of May, 2018. The petitioner seeks a direction to the respondent that she should not be disturbed and she should be allowed to carry out her vending activities.

Counsel for the respondent submits that the petitioner is not a regular street vendor and her name does not find mentioned in the list of 628 street vendors or list prepared by the Chopra Committee or Thareja Committee or any other list prepared by the Corporation. Counsel also contends that fresh rules of

Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules 2017 have been notified on 10.01.2018 and the election for the formation of Town Vending Committee (TVC) is to be held on 31.08.2018 and the first TVC is likely to be constituted shortly and thus, it would be open to the petitioner to present her case before the TVC with all supporting documents.

At this stage, counsel for the petitioner submits that the petitioner will approach the TVC as and when TVC is constituted. He seeks a direction to the TVC to consider the name of the petitioner and merely because she is not found vending at the site when the survey is conducted, that should not be a ground alone to reject her case.

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, that itself alone would not be a ground to reject the case of the petitioner.

Accordingly, the present petition is disposed of with the following agreed directions:-

- (i) The petitioner would approach the TVC as and when it is constituted with all supporting documents;
- (ii) The TVC will consider the case of the petitioner in accordance with law after taking into consideration all the material placed on record;
- (iii) Merely because the petitioner is not found vending at the site when the survey is conducted, that by itself would not be a ground alone to reject her case.

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

In above terms, the writ petition alongwith CM APPL 24514/2018 (stay) stands disposed of.

G.S.SISTANI, J

C. HARI SHANKAR, J

AUGUST 21, 2018
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