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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5895/2018 and CM Appl.22990/2018
DILIP KUMAR BHAGAT Petitioner
Through Mr. N. K. Sahoo, Advocate

versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR
..... Respondents
Through Mr. Rakesh Mittal, Standing Counsel
for SDMC with Ms. Kamlesh Anand
& Ms. Yamini Mittal, Advocates
Mr. Anjum Javed, Addl. Standing
Counsel for GNCTD with Mr.
Devendra Kumar & Ms. Priti,
Advocates with ASI Prempal Rathi
for respondent no.2 SHO, PS
Safdarjung Enclave

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

ORDER
28.05.2018

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The petitioner claims to be squatting near Mother Dairy Booth No.115, L-Block, Green Park Main, Delhi-110029 from the year 2000. The petitioner seeks a direction to the respondents not to disturb him from carrying out his vending activities. Mr Sahoo relies upon the order dated 18.05.2018 passed by the Supreme Court of India in W.P.(C) 4677/1985 titled "*M.C. Mehta vs Union of India & Ors.*" He also relies on the statement made by the Additional Solicitor General to the extent that those vendors who come in the day time go away in the evening or night or who move from place to place

will not be disturbed, provided that they have any authorisation or permission for vending at a specific location or who have applied under the 2007 Scheme.

Counsels for the respondents who enter their appearance on an advance copy submit that the petitioner is not a regular street vendor, a single challan has been placed on record to show that he has been vending since the year 2000 as claimed by him.

Mr. Mittal, learned counsel for SDMC further submits that copies of challans which have been placed on record pertain to the years 2003, 2005 and 2013. He submits that infact the challans are for littering in the area. He further submits that the challan for the year 2000 is for the area near Mother Dairy Booth No.115, L-Block, Green Park Main, while the challan pertaining to the year 2013 relates to squatting in Safdurjung Enclave area. Additionally learned counsel for the SDMC submits that Green Park area is 'no hawking', 'no vending' zone. He further submits that respondents are making every possible endeavour to make the area encroachment free so that no obstruction is caused to the free flow of traffic and free movement of pedestrians. He further submits that names of the petitioner do not find mentioned in either of the list prepared by Thareja Committee, Chopra Committee or the list prepared by the MCD in the year 2007. Learned counsel for the respondent / SDMC further submits that the observations so relied upon by the counsel for the petitioner on the decision of the Supreme Court is misplaced and read out of context. He further submits that no relief can be granted to the petitioner.

At this stage, Mr. Sahoo, learned 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.

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.

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.

The writ petition stands disposed of in above terms, as prayed.

CM APPL.22990/2018 (stay)

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

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

MAY 28, 2018
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