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

+ W.P.(C) 6231/2018

SUDARSHAN AND ORS.

..... Petitioners

Through: Mr Alind Srivastava and Mr Sudeep Dey,
Advs

versus

NORTH DELHI MUNICIPAL CORPORATION

..... Respondent

Through: Mr Nikhilesh Kumar, proxy counsel for
Ms Jyoti Taneja, Adv for NDMC

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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15.10.2018

Seven petitioners have filed the present writ petition seeking a direction to the respondent not to dispossess them from outside Shani Mandir near Gate No.1, Chandni Chowk Metro Station, Delhi. Petitioners claim themselves to be regular street vendors. Counsel also contends that two out of the seven petitioners are handicapped persons and thus they should not be dispossessed. Counsel further submits that since the Rules have been notified and Town Vending Committee (TVC) is constituted, the petitioners would approach the TVC as and when it becomes functional with all supporting documents. Counsel also prays that in case at the time of survey, for any reason, the petitioners are not present that should not be a ground alone to reject their case.

Counsel for the respondent, without admitting any of the averments made in the writ petition, submits that should the petitioners approach the TVC with all supporting documents, the TVC would consider the case in

accordance with law and merely because they may not be found vending at the site would not be a ground alone to reject their case.

Counsel for the petitioners also submits that identically placed persons are being allowed to vend and the petitioners are being singled out. Counsel for the respondent submits that the petitioners would not be singled out.

In view of the stand taken in court today, the writ petition is disposed of with the following agreed directions:-

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

The writ petition is disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

OCTOBER 15, 2018
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