

\$~4

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

+ W.P.(C) 6223/2018

MOHD SHAMIM

..... Petitioner

Through Mr. Kartickay Mathur, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION

..... Respondent

Through Ms. Jyoti Taneja, Advocate.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

% **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 his vending activities at the site adjacent to Dhalao, outside Chhote Mor Sarai Railway Colony More Sarai Road, Delhi since 1988. Fear of dispossession at the hands of respondent has led to filing of the present writ petition.

The petitioner seeks a direction that the respondent should be restrained from interfering in his possession and carrying out his business activities.

Counsel for the respondent submits that the petitioner is not a regular street vendor. It is further submitted that the petitioner has not been able to show that the name of the petitioner finds mentioned in the list of 628 street vendors or list prepared by the Chopra Committee or Thareja Committee. Counsel 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) has been conducted on 15.07.2018 and the first TVC is likely to be constituted shortly and thus, it would be open to the petitioner to present his 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 the TVC is constituted. He seeks a direction to the TVC to consider the name of the petitioner and merely because he is not found vending at the site when the survey is conducted, that should not be a ground alone to reject his 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 his 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 stands disposed of.

G.S.SISTANI, J

C. HARI SHANKAR, J

AUGUST 21, 2018/ck/