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

+ W.P.(C) 6439/2018

RAM MILAN AND ORS.

..... Petitioner

Through: Mr. V.S.Dubey & Mohd. Faizan, Advs.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondents

Through: Mr. Tamim Qadri, Adv. for R-1.

Mr. Dhruv Rohatgi, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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14.11.2018

The petitioners claim to be the regular street vendors and are vending at the areas so mentioned in the writ petition. Fear of dispossession at the hands of the respondents has led to filing of the present petition. Counsel for the petitioners submits that since 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 TVC has been constituted, the petitioners would approach the TVC with all supporting documents. He further seeks a direction to the TVC that merely because the petitioners are not found squatting at the time of survey, that alone should not be a ground to reject their case.

Counsels for the SDMC/respondents, without admitting any of the averments made in the writ petition, submit that should the petitioners make an application with all supporting documents before the TVC, the same would be considered in accordance with law and merely because the

petitioners are not found squatting, that itself would not be a ground to reject their case.

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

- (i) The petitioners would approach the TVC with all 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.

In above terms, the writ petition stands disposed of.

CM APPL 24735/2018(stay)

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

G.S.SISTANI, J

JYOTI SINGH, J

NOVEMBER 14, 2018/ak