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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7127/2018 & CM No.27134/2018 (stay)
VISHESHWAR NATH AND ORS. Petitioners
Through: Mr.Jivesh Kr. Tiwari, Advocate.

versus

EAST DELHI MUNICIPAL CORPORATION AND ANR.
..... Respondents
Through: Mr.Ajay Arora and Mr.Kapil Dutta, Advocates
for R-1/EDMC.

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

ORDER
% **13.07.2018**

CM No.27135/2018 (exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 7127/2018 & CM No.27134/2018 (stay)

This is a petition under Article 226 of the Constitution of India filed by the petitioners. The petitioners claim to be regular street vendors and claim to be vending at Tikona Park, Subhash Road, Gandhi Nagar, Delhi for the past 18 years. Fear of dispossession at the hands of the official of the respondents has led to the filing of the present writ petition.

Counsel for the petitioners submits that the rules of the Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 have been notified on 10.01.2018. He further submits that the election for the constitution of the first Town Vending Committee has been announced and fixed for 15.07.2018. He further submits that the petitioner would make an appropriate application along with supporting documents before TVC as and when it becomes functional to consider the case of the petitioners.

Counsel for the respondents without admitting any of the averments made in the writ petition does not oppose the prayer so made.

We have heard the learned counsels for the parties.

The writ petition is disposed of on the following agreed terms:-

1. The petitioner will approach the TVC as and when it is constituted.
2. The TVC will consider the case of the petitioner in accordance with law after taking into consideration all the material placed on record.
3. Merely because the petitioners may not be found vending at the spot at the time of survey that 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 case and this order is being passed without prejudice to the rights and contentions of both the parties.

The writ petition along with pending application are disposed of.

Copy of this order be given *dasti* under the signature of Court Master.

G. S. SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 13, 2018
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