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

+ W.P.(C) 7045/2018

SMT. HEMLATA Petitioner

Through: Mr Anand Shailani, Adv

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR..... Respondents

Through: Sri Harsha Peechara, Adv for NDMC
with Ms Vidhi Jain, Adv

Mr Mananjay Mishra, Adv for R-2

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **07.09.2018**

W.P.(C) 7045/2018 and CM No. 26738/2018 (stay)

The petitioner claims to be a regular street vendor and is stated to be carrying out his vending activities from Gate No. 4, Lady Harding Medical College, opposite Bangla Sweets, Bangla Sahib Marg, New Delhi. Fear of dispossession has led to the filing of the present writ petition. Mr Shailani, learned counsel for the petitioner submits that in view of the fact that the elections to the first Town Vending Committee (TVC) stand conducted and the TVC is likely to be formed shortly, she would approach the TVC with all supporting documents, however, in case the petitioner is not found vending at the site, that may not be a ground alone to reject her case.

Mr Peechara, learned counsel for the NDMC, who enters

appearance on an advance copy disputes the averments made in the writ petition. He submits that the petitioner is not vending at the site in question, however, submits that should the petitioner approach the TVC with all supporting documents, the TVC would consider her case.

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

- (i) The petitioner will approach the TVC as and when it is functional with all supporting documents; and
- (ii) The TVC will consider the case of the petitioner in accordance with law and merely because the petitioner is not found vending at the site at the time of survey, that by itself would not be a ground alone to reject her case.

We make it clear that we have not expressed any opinion on the merits of the case.

The writ petition along with CM No. 26738/2018 stands disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 07, 2018
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