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

+ W.P.(C) 6928/2018 and CM No. 26303/2018

DALPAT SINGH

..... Petitioner

Through: Mr.N.K. Sahoo, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondents

Through: Ms.Jyoti Taneja, Advocate for NDMC with
Mr.Mahavir Prashad, Licensing Inspector,
Keshavpura Zone.

Ms.Mrinalini Sen, Ms.Nihaarika Jauhari and
Mr.Tanmay Yadav, Advocates for R-2/SHO.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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06.07.2018

The petitioner claims to be squatting near the Shop/Building 28-E beside the wall of Corporation Bank, Kamla Nagar, New Delhi. Fear of dispossession at the hands of the respondents has led to the filing of the present writ petition. Mr Sahoo, learned counsel for the petitioner, submits that the petitioner is a regular vendor since the year 1989. Copies of challans have been placed on record. Ms Taneja, learned counsel, who enters appearance on advance copy on behalf of respondent No. 1, submits that the area where the petitioner claims to be squatting is 'no hawking - no vending zone'. No squatter is allowed to vend in the concerned area. She further submits that the election for the constitution of the Town Vending Committee (TVC) is scheduled to be held on 15.07.2018 and in case the petitioner applies, the TVC would consider the

case of the petitioner in accordance with law. Mr Sahoo submits that the petitioner had made an application for allotment of a *tehbazari site* in the year 2007 and the name of the petitioner finds mention in the list so prepared by the MCD. He further submits that the petitioner is being singled out while other squatters are being allowed to vend. Ms Taneja submits that uniform action is being taken and the petitioner would not be singled out.

At this stage, Mr Sahoo submits that the petitioner would approach the TVC as and when it is constituted. He seeks a direction to the TVC to consider his case based on all documents and in case for any reason he is not found vending, that should not be a ground alone to reject his case.

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 based on documents.
3. Merely because the petitioner may not be found squatting would not be a ground alone to reject his case.

Accordingly, the writ petition is disposed of. However, we make it clear that we have not expressed any opinion on the final merits of the case. The writ petition and CM No. 26303/2018 are disposed of.

Dasti.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 06, 2018/SU