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

+ W.P.(C) 7702/2018 and CM No. 29490/2018 (Stay)

BINDA LAL

..... Petitioner

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

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR. Respondents

Through: Mr Harsha Peechara, Standing Counsel
for NDMC with Mr. Aditya Vikram
Singh, Advocate.

Mr. Rizwan, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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25.07.2018

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 since 1987 at near Keshav Park, Delhi. Fear of dispossession has led to filing of the present writ petition.

Counsel for the petitioner submits that since the rules of street vendors have been notified and the election for the formation of Town Vending Committee (TVC) has been held on 15.07.2018 and the first TVC is likely to be constituted shortly, he wishes to withdraw this petition with liberty to approach the TVC with all supporting documents. Counsel seeks a direction to the TVC that as and when the Town Vending Committee (TVC) is constituted, the name of the petitioner should be considered and merely because he is not found vending at the site when the survey is conducted, that should not be a ground to reject his case.

Mr. Peechara, learned Standing 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 and expeditiously 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 alongwith CM No. 29490/2018 (stay) stands disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 25, 2018/ck/