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

+ W.P.(C) 7908/2018

JAWHAR LAL

..... Petitioner

Through Mr. N.K. Sahoo, Advocate

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR. Respondents

Through Mr. Sri Harsha Peechara, Standing
Counsel with Mr. Aditya Vikram Singh,
Advocate for respondent no.1/NDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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31.07.2018

This is a petition under Article 226 of the Constitution of India filed by the petitioner. The grievance of the petitioner is that being a handicapped person, his request for inclusion of his name in the lists of 100 handicapped persons has been ignored by the respondent, which has led to the filing of the present petition.

Mr. Peechara, learned Standing Counsel appearing for the NDMC submits that the petitioner is a handicapped person and in the year 2011, he had instituted a writ petition bearing W.P.(C).1365/2011. Attention of this Court is also drawn to the concluding part of the order dated 24.01.2011 passed in W.P.(C).459/2011, which reads as under:

“5. The writ petition is therefore disposed of with the following directions:

(i) the petitioners to appear before the Vending Committee on 1st February, 2011 and on such subsequent dates as may be necessary;

(ii) the Vending Committee to pass a reasoned order after

hearing the petitioners, on the eligibility of each of the petitioners.

(iii) till then the respondent NDMC to abide by the order of the Appellate Authority. Needless to state that if the Vending Committee in the said order finds any of the petitioners ineligible, the benefit of the said order shall not be available to such person thereafter. However, to those who are so found eligible, the benefit of the protection shall continue till the draw-of-lots for allotment of sites. If the said persons in the draw-of-lots are found entitled to a vending site, the protection to them would continue till delivery of the vending site to which they are found entitle. However, qua those who in the draw-of-lots are not allotted any vending site, no further protection shall be available.

Dasti under signature of the Court Master.”

Without expressing any opinion on the merits of the case, as prayed, the petitioner is permitted to approach the Town Vending Committee (TVC) as and when it is constituted to raise all the grounds which are set out in the present petition.

The petition stands disposed of.

Dasti.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 31, 2018

pst/

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