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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3204/2017
KANHAIYA LAL YADAV Petitioner
Through Mr. Amit Kumar Dubey, Advocate

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR
..... Respondents
Through Mr. Rakesh Mittal, Standing Counsel
with Mr. Kamlesh Anand and Ms. Yamini
Mittal, Advocates for respondent
no.1/SDMC.
Ms. Sukriti Ghai, Advocate for
Mr. Devesh Singh, ASC(Civil), GNCTD
for respondent no.2.

CORAM:

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

ORDER

% **07.08.2018**

This is a petition filed under Article 226 of the Constitution of India by the petitioner. The petitioner claims to be a street vendor and squatting in front of Crystal Dental Centre, Near Building no.13, Site no.345091, PVR Basant Lok Complex, Vasant Vihar, New Delhi. Fear of dispossession of the petitioner has led to the filing of the present writ petition.

Copies of challans have been placed on record by the petitioner. Counsel for the petitioner submits that election for the first Town Vending Committee (TVC) has been conducted on 15.07.2018. Accordingly, he prays that he would approach the TVC with all supporting documents. However, he prays that if, for any reason, the petitioner is not found vending at the site, that alone should not be a ground to reject his case.

Mr. Mittal, learned counsel appearing on behalf of the respondent SDMC, without admitting any of the averments made in the writ petition, submits that the petitioner cannot be allowed to vend at the site in question as he is an illegal

encroacher. However, he submits that in case the petitioner makes an application with all supporting documents before the TVC when it becomes functional, 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 his case.

Accordingly, the writ petition is disposed of with the following agreed 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 to reject his case.

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

The writ petition stands disposed of.

CM.APPL 13949/2017(stay)

The application stands disposed of in view of the orders passed in the writ petition.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 07, 2018

pst /
W.P.(C) 3204/2017