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

+ W.P.(C) 3468/2017

MANOJ KUMAR

..... Petitioner

Through Mr. Michael Peter, Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR

..... Respondents

Through Mr. Sri Harsha Peechara, Standing
Counsel for NDMC with Mr. Aditya
Vikram Singh & Ms. Vidhi Jain,
Advocates.

Mr. Anand Khatri, Advocate for R-2.

ASI Raj Pal Singh, P.S. Sarojini Nagar.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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30.07.2018

Petitioner has filed the present writ petition under Article 226 of the Constitution of India. The petitioner claims to be carrying out his vending activities in front of shop no.104, Sarojini Nagar Market, New Delhi and at present adjacent to shop no.101, Sarojini Nagar Market for the last two years. The complaint of the petitioner is that although he has been squatting since 1998, the officers of the respondents are continuously harassing and not allowing him to vend peacefully. He has placed on record copies of challans, which he has filed alongwith the present writ petition and also challans, which he had proposed to file by filing an application for taking additional documents on record, which was filed on 16.07.2018 but the same was returned with objections, which have been handed over to us in the Court.

Counsel for the respondent has opposed this petition on the ground that

the petitioner is not a regular street vendor. Counsel submits that the name of the petitioner admittedly does not find mentioned in the list of 628 street vendors, which was prepared by MCD. He has also submitted that the name of the petitioner also does not find mentioned in any of the lists prepared either by Chopra Committee or Thareja Committee. Counsel for the respondent further submits that merely because the petitioner has been illegally vending and has been challaned that by itself would not give him a ground to squat at the Sarojini Nagar, which has reached at a saturation point. Counsel contends that the NDMC has been regularly removing unauthorised street vendors to enable them to restrict the number of vendors in view of the fact that on account of bomb blast, there was loss of property and lives. Counsel also contends that fresh rules of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules 2017 have been notified on 10.01.2018 and the election for the formation of Town Vending Committee (TVC) is to be held in the month of August, 2018 and the first TVC is likely to be constituted shortly and thus, it would be open to the petitioner to present his case before the TVC with all supporting documents.

We have heard learned counsel for the parties, it is not in dispute that the name of the petitioner does not find mentioned either in the list of 628 street vendor or Chopra Committee or Thareja Committee. However, counsel for the petitioner has been able to show various challans issued including the challan post filing of the present writ petition. Having regard to the fact that the election of first TVC had already been conducted, we dispose of the writ petition granting liberty to the petitioner to approach the TVC as and when it becomes functional with all supporting documents and merely because the petitioner is not found squatting, that alone should not be a ground to reject his case.

Counsel for 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.

Counsel for the petitioner submits that in case, he is aggrieved by the order of the TVC, he would seek appropriate remedy in accordance with law.

With these directions and liberty as prayed by counsel for the petitioner, the present writ petition alongwith CM APPL 15207/2017 stands disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 30, 2018

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