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

+ W.P.(C) 3646/2017

RAKESH KUMAR & ORS. Petitioners

Through: Mr.Ranbir Saroha, Advocate

versus

THE CHIEF SECRETARY, THE STATE GOVT. OF DELHI & ORS.

..... Respondent

Through: Ms.Jyoti Taneja, standing counsel for
NDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **14.09.2018**

The petitioners claim to be regular street vendors and are vending at different places as detailed in the writ petition. Fear of dispossession at the hands of the officials of the respondents has led to filing of the present writ petition.

Learned counsel for the petitioners submits that the petitioners have been regularly squatting and safeguarding their rights from time to time and have been depositing the fees of the Tehbazari. Ms.Taneja, counsel for North DMC has opposed the petition and submits that the petitioners are not squatting at the authorised places and have decided to squat at different places of their own choice, which cannot be allowed.

At this stage, counsel for the petitioners submits that the rules of the Town Vending Committee have been framed, elections have been held and counsel for the respondents has made a statement before the Supreme Court that TVC will be constituted within a period of one week.

Counsel for the petitioners submits that the petitioners would approach the TVC as and when it is functional with all supporting documents. He further seeks a direction to the TVC to consider the case of the petitioners in accordance

with law and that merely because the petitioners may not find squatting at the time of survey, that alone should not be a ground to reject their case.

Ms.Jyoti Taneja, counsel for the North DMC/respondent, without admitting any of the averments made in the writ petition, submits that should the petitioners make an application with all supporting documents before the TVC, the same would be considered in accordance with law and merely because the petitioners are not found squatting, that itself alone would not be a ground to reject their case.

Accordingly, the present petition is disposed of with the following agreed directions:-

- (a) The petitioners would approach the TVC as and when it is constituted with all supporting documents;
- (b) The TVC will consider the case of the petitioners in accordance with law after taking into consideration all the material placed on record;
- (c) Merely because the petitioners are not found vending at the site when the survey is conducted, that by itself would not be a ground alone to reject their 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 stand disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 14, 2018/rb
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