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

+ W.P.(C) 3892/2017

MANOJ GUPTA

..... Petitioner

Through Mr. Sanjay Baniwal, Advocate

versus

NEW DELHI MUNICIPAL COUNCIL AND ORS

..... Respondents

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

Mr. Tarveen Singh Nanda, Advocate for respondents no.3 to 5.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

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20.08.2018

This is a petition filed under Article 226 of the Constitution of India by the petitioner. The petitioner claims to be vending at Mohan Singh Palace, near Rivoli Cinema, 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. Mr. Peechara, learned Standing Counsel for the respondents submits that the petitioner has been removed. He submits that the name of the petitioner is not in the list of 628 street vendors prepared by the NDMC.

At this stage, learned counsel for the petitioner submits that since the Town Vending Committee (TVC) is likely to be formed soon as the elections have been scheduled to be conducted on 31.08.2018, he would approach the TVC as and when it is functional and, if for any reason, the petitioner is not

found squatting, that alone should not be a ground to reject his case.

Mr. Peechara, learned Standing Counsel for the respondents, without admitting any of the averments made in the writ petition, submits that if the petitioner makes 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 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 alone 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 in above terms.

CMs.APPL 17153/2017 and 39909/2017 also stand disposed of.

G.S.SISTANI, J

C. HARI SHANKAR, J

AUGUST 20, 2018

pst/
W.P.(C) 3892/2017