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

+ W.P.(C) 4299/2017

BHUSHAN GUPTA AND ORS

..... Petitioners

Through Mr. Rahul Kumar, Advocate

versus

ISBT KASHMERE GATE AND ORS

..... Respondents

Through Ms. Jyoti Taneja, Standing Counsel for
the North Delhi Municipal Corporation.
Inspector Subodh Kumar, T.I., Civil
Lines Circle and SI Jagmeshwar Dayal,
Parvi Officer Traffic.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **22.10.2018**

This is a petition under Article 226 of the Constitution of India filed by the petitioners. Challenge in this writ petition is to the action of the respondent by which the petitioners herein have been removed from Kashmere Gate ISBT where they claim to be vending and hawking for the past many years. The basic submission of the learned counsel for the petitioners is that a railing was erected specifically for the purpose of regulating the street vendors in earning their livelihood. The matter has been taken up for hearing on many dates of hearings to ascertain as to who and why the railing was erected.

Ms. Jyoti Taneja, learned counsel for the North Delhi Municipal Corporation has submitted that the Corporation did not erect the railing. She further submits that the entire area is highly congested and in case the petitioners are allowed to vend, it would lead to further chaos and the street vendors cannot be allowed to vend on the pavement. She further submits that free movement of traffic and pedestrians would be seriously hampered in case the petitioners are allowed to hawk and vend.

We may notice that fresh rules of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules 2017 have been notified on 10.01.2018. Town Vending Committee(TVC) has been constituted. Without expressing any opinion on the merits of the matter, we grant leave to the petitioners to approach the TVC with all supporting documents. We make it clear that merely because the petitioners are not found squatting at the time of survey, that itself alone would not be a ground to reject their case.

The writ petition stands disposed of in above terms.

CMs. APPL 18751/2017 and 13449/2018 also stand disposed of.

G.S.SISTANI, J

JYOTI SINGH, J

OCTOBER 22, 2018

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