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

+ W.P.(C) 9127/2018 and CM No. 35211/2018

JITESWAR DAYAL

..... Petitioner

Through: Mr N.K. Sahoo and Mr S.B. Sahoo, Advs

versus

NEW DELHI MUNICIPAL COUNCIL & ANR

..... Respondents

Through: Mr Sriharsha Peechara, SC for NDMC
with Mr Aditya Vikram Singh, Adv and
Mr Raunak Singh and Mr Udayan Verma,
Advs for R-1

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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26.09.2018

Petitioner claims to be a regular street vendor squatting at Sarojini Nagar Market, opposite Shop No-9&10, New Delhi. Fear of dispossession has led to the filing of the present writ petition.

Mr Sahoo, learned counsel for the petitioner submits that since the Town Vending Committee (TVC) has been constituted, he would approach the TVC with all supporting documents, however, in case the petitioner is not found vending at the site, that may not be a ground alone to reject her case.

Mr Peechara, learned counsel for the NDMC, who enters appearance on an advance copy disputes the averments made in the writ petition. He submits that the petitioner is not vending at the site in question, however, submits that should the petitioner approach the TVC with all supporting documents, the TVC would consider her case.

Accordingly, the writ petition is disposed of with the following

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 her case.

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

The writ petition along with CM No. 35211/2018 stands disposed of.

Dasti.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 26, 2018
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