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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9335/2018 & CM No.36116/2018 (stay)
SURINDER KUMAR & ORS Petitioners
Through: Mr.N.K. Sahoo and Ms.S.B. Sahoo, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR Respondents
Through: Mr.Mukesh Gupta, Mr.Sanjeev Garg and
Mr.Sanjay Baniwal, Advocates for NDMC.
Mr.Sriharsha Peechara, Standing Counsel with
Ms.Vidhi Jain, Mr.Aditya Vikram Singh,
Advocates for NDMC.

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **05.09.2018**

Mr.Sahoo, counsel for the petitioners submits that on one hand, respondent No.1 is removing the squatters and on the other hand a survey is likely to be conducted which would adversely affect the rights of the street vendors/forced squatters. He submits that in case, vendors are removed and survey is conducted, it will be held against them.

Mr.Gupta, counsel for the respondent/NDMC enters appearance on an advance copy and submits that this Court in the large number of matters has clarified that in case at the time of survey any street vendor is not found hawking or vending that alone would not be a ground to reject their case.

Mr.Peechara submits that such a direction be passed in this case so that in case the petitioners are not present at the time of survey, their case shall not be rejected.

In view of the stand taken by the counsel for the parties, the writ petition and CM No.36116/2018 are disposed of, as prayed. In case at the time of survey

the petitioners are not found squatting that alone would not be a ground to reject the case of the petitioners. It would be open for the petitioners to produce relevant documents in their favour before TVC.

Dasti.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 05, 2018
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