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

+ W.P.(C) 9413/2018, C.M.36497/2018

YOGESH GUPTA & ORS.

..... Petitioners

Through: Ms.Rani Chhabra and Ms.Geeta Verma,
Advocates

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS.

..... Respondents

Through: Ms.Saroj Bidawat, Adv. for North DMC.
Mr.Rajneesh Bhaskar, Adv. for R-3.
SI Pankaj Saroha, PS Maurya Enclave

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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19.11.2018

This is a petition filed under Article 226 of the Constitution of India by the petitioners. The petitioners claim to be regular street vendors squatting at CD Block, Pitam Pura, Delhi. Ms.Rani Chhabra, counsel for the petitioners, submits that the petitioners continue to carry out their vending activities at the abovesaid vending site. In support of the submissions made, recent photographs have been shown in Court.

At this stage, Ms.Chhabra submits that the Town Vending Committee (TVC) has since been constituted, the petitioners would approach the TVC. She seeks a direction to the TVC to consider their case in the light of the documents which may be submitted. She seeks a further direction that, if for any reason, the petitioners are not squatting at the time of the survey, that alone should not be a ground to reject the case of the petitioners.

Counsels appearing for the respondents, without admitting any of the averments made in the writ petition, submit 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 writ petition is disposed of with the following agreed directions:

- (i) The petitioners will approach the TVC with all supporting documents; and
- (ii) The TVC will consider the case of the petitioners in accordance with law and merely because the petitioners are not found vending at the site at the time of survey, 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 case.

The writ petition stands disposed of in above terms.

CM.APPL 36497/2018 also stands disposed of.

G.S.SISTANI, J

JYOTI SINGH, J

NOVEMBER 19, 2018

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