

\$~5

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

+ W.P.(C) 10242/2016

BAIJU KUMAR & ORS

..... Petitioners

Through: Mr.Gyan Prakash, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through: Ms.Reema Khorana and Mr.Kartik
Rathi, Advocates for respondent
no.1/SDMC.
Mr.Jamal Akhtar, counsel for
respondent/GNCTD.
Mr.Preet Oberoi, Advocate/proxy
counsel for respondent/DDA.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

%

15.05.2018

This is a petition under Article 226 of the Constitution of India filed by the petitioners. Eighteen petitioners claim to be squatting at Green Park as also near the Jagannath Temple, DDA Flat, Hauz Khas Village, New Delhi-16. Fear of removal by the respondent has led to the filing of this writ petition.

Counsel for the petitioners submits that the petitioners are regular street vendors and their possession has been disturbed by the officials of the respondents.

Counsel appearing for the respondent no.1/SDMC submits that the petitioners are unauthorized street vendors and they are blocking free flow of traffic and pedestrians. She further contends that in Writ Petition (C) 5023/2015

which is pending before another Division Bench of this Court, directions have been issued to decongest traffic in the busy roads including Green Park and to ensure free flow of traffic and in pursuance to the directions, the petitioners have already been removed.

Counsel for the petitioners submits that the petitioners will make a representation to the respondent no.1 and / or the Town Vending Committee (TVC) as and when it is constituted, for an alternate site. Counsel further submits that the petitioners would be satisfied if leave is granted to the petitioners to approach TVC as and when it is constituted. He seeks a direction to the TVC to consider the case of the petitioners in accordance with law and merely because they may not be found vending at the spot at the time of the survey, should not be a ground to reject their case.

Counsel for respondent no.1 without admitting any of the averments made in the writ petition submits that in case the petitioners approach the TVC as and when it is constituted with all supporting documents, the case of the petitioners would be considered in accordance with law and merely because they are not found vending at the spot at the time of survey, that would not be a ground to reject their case.

We make it clear that we have not expressed any opinion on the merits of the matter and this order is being passed without prejudice to the rights and contentions of both the parties.

The writ petition is disposed of, in above terms as prayed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

**MAY 15, 2018/ssc
W.P.(C) 10242/2016**

Page 2 of 2