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

% *Date of Judgment: 14th September, 2018*

+ **W.P.(C) 9621/2018**

KANCHAN LAL AND ORS. Petitioners
Through: Mr.Dharmender Sharma, Advocate

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) AND ORS. Respondents
Through: Mr.Tushar Sannu, ASC with Mr.Ankit Jain, Adv. for NDMC.
Mr.Dhruv Rohatgi, Adv. for R-3.

CORAM:

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

G.S.SISTANI, J. (ORAL)

C.M.Nos.37463-37464/2018 (exemption)

Exemptions allowed, subject all just exceptions.

Both the applications stand disposed of.

W.P.(C) 9621/2018

1. The petitioners claim to be regular street vendors and are stated to be carrying out their vending activities at various sites as mentioned in the writ petition. Mr.Dharmender Sharma, counsel for the petitioners submits that the petitioners apprehend that post the formation of the TVC and the survey being conducted, the petitioners would be reallocated to different sites.

Mr.Sharma further submits that the petitioners are duly verified vendors of the NDMC. In this backdrop, the following prayers have been made:

(a) Direct the Respondent no.1 and 2 for the issuance of certificate of vending (COV) to the petitioners on their respective given vending site after conducting survey in accordance with law.

(b) Issue a Writ, Order or Direction in the nature of Pass such other or further orders, as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

2. We have heard the learned counsel for the petitioners.

3. We find that there is no foundation laid in the body of the writ petition, which would support the apprehension expressed by learned counsel for the petitioners.

4. At this stage, Mr.Sharma submits that the petitioners would approach the TVC as and when it is functional with all supporting documents. He further seeks a direction to the TVC to consider the case of the petitioners in accordance with law and that merely because the petitioners may not find squatting at the time of survey, that alone should not be a ground to reject their case.

5. Mr.Tushar Sannu, counsel for the SDMC/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.

6. Accordingly, the present petition is disposed of with the following agreed directions:-

- (a) The petitioners would approach the TVC as and when it is constituted with all supporting documents;
- (b) The TVC will consider the case of the petitioners in accordance with law after taking into consideration all the material placed on record;
- (c) Merely because the petitioners are not found vending at the site when the survey is conducted, that by itself would not be a ground alone to reject their case.

7. 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.

8. In above terms, the writ petition stand disposed of.

G.S.SISTANI, J.

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 14, 2018

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