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

+ W.P.(C) 10187/2018

PAWAN KUMAR Petitioner

Through: Mr S.K.Bandyopadhyay, Adv

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Mr Mukesh Gupta, SC with Mr Shashi
Gupta and Mr Sanjay Baniwal, Advs for
R-1
Mr Rakesh Singh Kaliramna, Adv for R-2
& 3 with SI Lala Ram

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **26.09.2018**

CM Nos. 39699-700/2018 (exemptions)

Exemptions are allowed subject to all just exceptions.

Applications stand disposed of.

W.P.(C) 10187/2018 and CM No. 39701/2018 (stay)

This is a second writ petition filed by the petitioner. The first writ petition was disposed of by an order dated 29.01.2018 passed in W.P.(C) 11266/2017. The order reads as under:-

“This is a petition under Article 226 of the Constitution of India filed by the petitioner. Petitioner claims to be vending at side shop at Eastern Shop no.1A, beside the shoe counter Sai Baba Mandir, Lodhi Road, New Delhi. It is also the case of the petitioner that the petitioner continues to vend at the site till date. Mr. Sharma, counsel for the petitioner submits that

apprehending removal at the hands of the officials of the respondents, the present petition was filed.

Mr. Sharma, counsel for the petitioner, at this stage submits that the petitioner only seeks a direction that as and when the Town Vending Committee(TVC) is constituted, the name of the petitioner should be considered.

Counsel appearing on behalf of the respondents without admitting any of the averments made in the writ petition, submits that should the petitioner makes an application with supporting documents before the TVC, the same would be considered in accordance with law.

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

(i) The petitioner would approach the TVC as and when it is constituted with all the supporting documents;

(ii) The TVC will consider the case of the petitioner in accordance with law and expeditiously after taking into consideration all the material placed on record.

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.

CM.APPL 46080/2017 also stands disposed of in view of the order passed in the writ petition.

Dasti.”

Counsel for the petitioner submits that since the respondents are harassing the petitioner, he has filed the second writ petition. Learned counsels for the respondents have opposed the filing of the second writ petition on identical facts. It is prayed that the writ petition should be dismissed with exemplary cost as valuable time is being wasted by filing repeated writ petitions.

Counsel for the petitioner submits that he has filed the writ petition as Town Vending Committee (TVC) has not been formed. Counsels for

the respondents submit that the TVC is now in place and it would be open to the petitioner to approach the TVC and seek such relief as available in accordance with law.

At this stage, counsel for the petitioner submits that the petitioner would approach the TVC with all supporting documents.

Accordingly, the writ petition is disposed of as prayed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 26, 2018
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