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

+ W.P.(C) 9834/2018 and CM No. 38297/2018

HARENDRA RAM Petitioner

Through: Mr N.K. Sahoo and Ms S.B. Sahoo,
Advs

versus

NEW DELHI MUNICIPAL COUNCIL & ANR Respondents

Through: Mr Sriharsha Peechara, SC for NDMC
with Mr Aditya Vikram Singh, Adv
Mr Sunit Jidani, Adv for R-2

+ W.P.(C) 9840/2018 and CM No. 38352/2018

VISHNU Petitioner

Through: Mr N.K. Sahoo and Ms S.B. Sahoo,
Adv

versus

NEW DELHI MUNICIPAL COUNCIL & ANR Respondents

Through: Mr D.S. Mahendru, SC with
Mr Tushar Sannu, ASC for NDMC with
SI Dharmendra Kumar

+ W.P.(C) 9848/2018 and CM No. 38374/2018

SUNITA Petitioner

Through: Mr N.K. Sahoo and Ms S.B. Sahoo,
Adv

versus

NORTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondents

Through: Mr Kabir Ghosh, Adv for NDMC

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **25.09.2018**

The petitioners claim to be squatting at the places so mentioned
against their names as detailed below:-

1. Mr Harendra Ram: Near Gate No. C-2, Seetalvad

Chamber Block, Tilak Lane, New
Delhi- 01

2. Ms Vishnu : Near Gate No. C-2, Seetalvad
Chamber Block, Tilak Lane, New
Delhi- 01
3. Ms Sunita : In front of New Ways Shop/Bhilding
No. 20, Corner Bama Shah Market,
Bada Gol Chakar, Kamala Nagar, PS
Roop Nagar, Delhi – 07

Mr Sahoo, learned counsel for the petitioners, submits that since the Town Vending Committee (TVC) has now been constituted, the petitioners would approach the TVC with all supporting documents, however, in case at the time of survey the petitioners are not found vending at their respective sites, that should not be a ground alone to reject their case.

Mr Peechara, learned counsel for the NDMC, enters appearance on an advance copy and disputes the averments made in the writ petitions. He submits that the petitioners are not regular street vendors. He, however, submits that in W.P.(C) 9834/2018 and W.P.(C) 9840/2018 the petitioners had claimed to be squatting around the Supreme Court area. He places reliance on a judgment rendered in the case of ***Dharam Chand vs Chairman, New Delhi Municipal Council and Ors.*** reported in (2015) 10 SCC 612, more particularly, para 20, which we reproduce below:-

“On the one hand, appellant has a right to earn his livelihood, but on the other hand there is serious issue of safety and security of the premises near the Supreme Court compound. Hence, the Court has to balance between the two. The purpose involving general interest of community as opposed to the interest of individual directly or indirectly has to be balance. Merely because of the contention of the appellant and the respondents that after the bomb blasts took place in Delhi High court compound in 2011, no such incident happened till date, it cannot be presumed that such incident will not happen in a near future. The Court cannot assume and presume that there is no threat to the safety and security of the Supreme Court and its vicinity and allow the appellant to

continue the said business.”

Mr Sahoo contends that after formation of the TVC various issues are to be decided by them based on surveys which are yet to be conducted, accordingly, he would raise all issues before them.

We have heard the learned counsels for the parties.

Having regard to the submissions made, we dispose of the three writ petitions on the following agreed terms:-

- (i) The petitioners will approach the TVC as and when it is functional 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 petitions along with all pending applications stand disposed of. *Dasti.*

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 25, 2018
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