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

+ W.P.(C) 11493/2016

VAISO JAIN @ BAISHO JAIN

..... Petitioner

Through Mr. N.K. Sahoo, Advocate.

versus

NEW DELHI MUNICIUPAL COUNCIL AND ANR Respondents

Through Mr. Sri Harsha Peechara, Standing
Counsel with Ms. Vidhi Jain, Adv. for
NDMC.
Mr. Devesh Singh, ASC (Civil) for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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22.02.2018

Fear of dispossession of the petitioner from his vending site i.e. in front of A-7 A-Block (near Post Office of A Block), inner circle, Connaught Place, New Delhi area has led to the filing of the present writ petition.

The consistent stand of the NDMC before us is that the Connaught Place area is a 'no hawking, no vending zone' and only *Tehbazari* holders and *Thareja* committee verified persons are allowed to squat or vend besides a few approximately 15 persons under the handicapped category have been allowed to vend. Mr. Peechara submits that no other person is being allowed to squat or vend.

Mr. Sahoo, counsel for the petitioner, however, contends to the contrary. He submits that a large number of people are being allowed to squat and vend and even otherwise, the said area cannot be declared as 'no hawking, no vending

zone’.

In response to the allegation made by counsel for the petitioner, Mr. Peechara submits that there is a constant battle between the unauthorised street vendors and the NDMC. In order to create evidence, the street vendors often squat at various places in the Connaught Place and its surrounding areas and take photographs. Merely by relying on the said photographs, it cannot be stated that the NDMC is allowing such street vendors or that they are continuously vending at the Connaught Place. Mr. Peechara, further submits that repeated actions are taken and illegal street vendors are removed.

At this stage, Mr. Sahoo does not wish to press this writ petition. He submits that as and when the TVC becomes functional, the petitioner would approach the TVC and make an application with all supporting documents and claim an appropriate site in accordance with law.

Mr. Peechara submits that the NDMC does not recognise the petitioner to be a regular street vendor, however, in case such an application is made, the same would be decided by the TVC in accordance with law.

In view of above, the writ petition stands disposed of. We make it clear that we have not expressed any opinion on the merits of the case.

Dasti.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

FEBRUARY 22, 2018

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