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

+ W.P.(C) 6351/2017

HAWKERS SURAKSHA FOUNDATION ALL INDIA (REGD.)

..... Petitioner

Through Mr. V.K. Malik and Mr. Rahul Raj Malik,
Advocates

versus

THE COMMISSIONER, MUNICIPAL CORPORATION OF DELHI &
ORS

..... Respondents

Through Mr. Sri Harsha Peechara, Standing
Counsel with Ms. Vidhi Jain, Advocate.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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04.01.2018

This is a petition under Article 226 of the Constitution of India filed by 13 street vendors, through the petitioner association. The grievance of the petitioner is that despite the fact that they are carrying out hawking activities without occupying any fixed place and are serving the needs of the local residents in the area of Baba Fateh Singh Marg, Govindpuri, New Delhi and are only moving around in a *rehri*, yet the officials of the respondents are harassing them.

Mr. Peechara, learned Standing Counsel appearing on behalf of the respondents submits that the averment made is not factually correct and the members of the petitioner association are, in fact, occupying public land and vending at a fixed place, which is resulting in obstruction to free flow of traffic and free movement of pedestrians. Mr. Malik, however, submits to the contrary.

He has placed on record affidavits on behalf of the members of the petitioner association totalling 33. As per the affidavits, it has been deposed that the members of the petitioner association are not occupying any fixed place and are serving the needs of the local residents in the area of Baba Fateh Singh Marg, Govindpuri, New Delhi by moving around in a *rehri*.

Mr. Peechara submits that in case the deponents conform to the averments made in their affidavits and continue to vend in the locality as per their affidavits, they would be permitted to do so. In view of the stand taken by the counsel for the respondent, counsel for the petitioner prays that the writ petition may be disposed of accordingly.

The writ petition stands disposed of in above terms.

CM.APPL 26291/2017

The application stands disposed of in view of the order passed in the writ petition.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JANUARY 04, 2018

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