

\$~65

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

+ W.P.(C) 9950/2018
ABDUL SAMAD

..... Petitioner

Through Mr. Atin Chadha, Mr. Munisha Amit
Chadha & Mr. RCS Bhadoria, Advocates.

versus

EAST DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through Mr. G.D. Mishra, Standing Counsel for
R-1.
Mr. Tarveen Singh Nanda, Advocate for
R-2.
SI Sonu Singh, P.S. Ghazipur.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

% **20.09.2018**

CM APPL 38760/2018 (exemption)

Exemption is allowed, subject to all just exception.

The application stands disposed of.

W.P.(C) 9950/2018

The petitioner claims to be running an eatery at Murga Mandi, Ghazipur since the year 2000. Sample copies of challan have been placed on record. Fear of dispossession at the hands of the official of respondents has led to filing of the present petition.

Counsels for the respondents, who enter appearance on an advance copy, submit that the petitioner is an illegal squatter and is carrying out cooking in the open without any license and thus, no relief can be granted to the petitioner.

Counsel for the petitioner submits that steps have already been taken to get the Municipal Health Trade license. At this stage, counsel for the petitioner submits that as the rules of the Town Vending Committee (TVC) have been framed, elections have been held and the Delhi Government has made a statement before the Supreme Court that TVC will be constituted within a period of one week, the petitioner 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 petitioner in accordance with law and merely because the petitioner may not be found squatting at the time of survey, that alone should not be a ground to reject his case.

Mr. G.D. Mishra, counsel for the EDMC, without admitting any of the averments made in the writ petition, submits that should the petitioner make an application with all supporting documents before the TVC, the same would be considered in accordance with law and merely because the petitioner is not found squatting, that itself alone would not be a ground to reject his case.

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 supporting documents;
- (ii) The TVC will consider the case of the petitioner in accordance with law after taking into consideration all the material placed on record;
- (iii) Merely because the petitioner is not found vending at the site when the survey is conducted, that by itself would not be a ground alone to reject his case.

We make it clear that we have not expressed any opinion on the merits of the matter and this order is being passed without any prejudice to the rights and contentions of both the parties.

In above terms, the writ petition stand disposed of.

Dasti.

CM APPL 38759/2018 (stay)

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

G.S.SISTANI, J

C. HARI SHANKAR, J

SEPTEMBER 20, 2018/ck/

W.P.(C) 9950/2018

3/3