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

% *Date of Judgment : 15th March, 2018*

+ W. P. (C) 6518/2017

SHYAM BABU & ORS. Petitioners

Through: Mr. Arunav Pathak, Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS.Respondents

Through: Mr. Harsha Peechara, Standing Counsel for
NDMC with Ms. Vidhi Jain and
Mr.Aranayak Pathak, Advocates.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

This is a petition under Article 226 of the Constitution of India filed by the petitioners. Mr. Pathak, learned counsel for the petitioners submits that the petitioners are regular street vendors and they are vending near Gate Nos. 3 and 4, Palika Bazar, Connaught Place, New Delhi. Aggrieved by the action taken by the respondent of being removed, the petitioners have preferred the present writ petition.

Learned counsel for the petitioner submits that in view of the fact that the rules of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules 2017 have been notified on 10.01.2018, the petitioners would approach the Town Vending Committee (hereinafter referred to as 'TVC') as and when it becomes functional and merely because they may not be found vending at the spot at the time of survey that should not a ground to reject their case.

Counsel for respondent no.1 without admitting any of the averment made in the writ petition and submits that the petitioners are not regular street vendors, which is disputed by the counsel for the petitioners. He further submits that should the petitioners make an application with supporting documents before the TVC, the same would be considered in accordance with law and merely because the petitioners are not found squatting, that alone would not be a ground to reject the case of the petitioners.

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

- (i) The petitioners would approach the TVC as and when it is constituted with all the supporting documents;
- (ii) The TVC will consider the case of the petitioners in accordance with law after taking into consideration all the material placed on record;
- (iii) Merely because the petitioners are not found vending at the site when the survey is conducted, 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 matter and this order is being passed without prejudice to the rights and contentions of both the parties.

The writ petition is disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

MARCH 15, 2018 / gr