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59

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

\+ W.P.(C) 128/2016
JAWAHAR LAL GUPTA ..... Petitioner
versus
NORTH DELHI MUNICIPAL CORORATION & ANR..... Respondents

\+ W.P.(C) 9214/2016
BABITA ..... Petitioner
versus
SOUTH DELHI MUNICIPAL CORPORATION AND ANR
..... Respondents

\+ W.P.(C) 9218/2016
PAWAN KUMAR GUPTA ..... Petitioner
versus
SOUTH DELHI MUNICIPAL CORPORATION AND ANR
..... Respondents

\+ W.P.(C) 9219/2016
SHANKAR PAL ..... Petitioner
versus
SOUTH DELHI MUNICIPAL CORPORATION AND ANR
..... Respondents

\+ W.P.(C) 9222/2016
RAM SEWAK SAHA ..... Petitioner
versus
NORTH DELHI MUNICIPAL CORPORATION AND ANR
..... Respondents

\+ W.P.(C) 9257/2016
JAMALUDDIN ..... Petitioner
versus
NORTH DELHI MUNICIPAL CORPORATION AND ANR
..... Respondents

\+ W.P.(C) 9259/2016
GAJ RAJ SINGH ..... Petitioner
versus
SOUTH DELHI MUNICIPAL CORPORATION AND ANR
..... Respondents

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60

+ W.P.(C) 927/2017
RAM BHARAT ..... Petitioner
versus
NORTH DELHI MUNICIPAL CORPORATION & ANR.... Respondents

+ W.P.(C) 943/2017
ANIL KUMAR GUPTA ..... Petitioner
versus
NORTH DELHI MUNICIPAL CORPORATION & ANR.... Respondents

+ W.P.(C) 944/2017
PANCHAM CHAURASIA ..... Petitioner
versus
NORTH DELHI MUNICIPAL CORPORATION & ANR.... Respondents

+ W.P.(C) 945/2017
KUNDAN LAL ..... Petitioner
versus
NORTH DELHI MUNICIPAL CORPORATION & ANR.... Respondents

+ W.P.(C) 961/2017
RATAN KUMAR CHAURASIA ..... Petitioner
versus
NORTH DELHI MUNICIPAL CORPORATION & ANR.....Respondents

+ W.P.(C) 963/2017
SHYAM LAL ..... Petitioner
versus
NORTH DELHI MUNICIPAL CORPORATION & ANR.... Respondents

+ W.P.(C) 2291/2017
VIJENDER ..... Petitioner
versus
SOUTH DELHI MUNICIPAL CORPORATION AND ANR
..... Respondents

+ W.P.(C) 2295/2017
RAM GOPAL SINGH ..... Petitioner
versus
SOUTH DELHI MUNICIPAL CORPORATION AND ANR
..... Respondents

\+ W.P.(C) 2297/2017
ANIL KUMAR UPADHYAY ..... Petitioner
versus
SOUTH DELHI MUNICIPAL CORPORATION AND ANR
..... Respondents

\+ W.P.(C) 2301/2017
ANOKHE LAL ..... Petitioner
versus
SOUTH DELHI MUNICIPAL CORPORATION AND ANR
..... Respondents

\+ W.P.(C) 2304/2017
CHAND MOHAMMED ..... Petitioner
versus
SOUTH DELHI MUNICIPAL CORPORATION AND ANR
..... Respondents

\+ W.P.(C) 2305/2017
KEHRI ..... Petitioner
versus
SOUTH DELHI MUNICIPAL CORPORATION AND ANR
..... Respondents

\+ W.P.(C) 7234/2017
MAM CHAND ..... Petitioner
versus
SOUTH DELHI MUNICIPAL CORPORATION ..... Respondents

\+ W.P.(C) 7291/2017
SANT RAM ..... Petitioner
versus
SOUTH DELHI MUNICIPAL CORPORATION ..... Respondents

\+ W.P.(C) 7292/2017
DAYA CHAND ..... Petitioner
versus
NORTH DELHI MUNICIPAL CORPORATION ..... Respondents

\+ W.P.(C) 7305/2017
BHURI DEVI ..... Petitioner
versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR..... Respondents

\+ W.P.(C) 7314/2017
RAJENDER SINGH ..... Petitioner
versus
SOUTH DELHI MUNCIPAL CORPORATION & ANR ..... Respondents

\+ W.P.(C) 7318/2017
AMOD SAHNI ..... Petitioner
versus
SOUTH DELHI MUNICIPAL CORPORATION & ANR..... Respondents

\+ W.P.(C) 7345/2017
KANCHI LAL ..... Petitioner
versus
SOUTH DELHI MUNICIPAL CORPORATION & ANR..... Respondents

\+ W.P.(C) 7346/2017
RAM KISHORE GUPTA ..... Petitioner
versus
SOUTH DELHI MUNICIPAL CORPORATION & ANR..... Respondents

\+ W.P.(C) 7347/2017
MUNNA ..... Petitioner
versus
SOUTH DELHI MUNICIPAL CORPORATION ..... Respondent

\+ W.P.(C) 7348/2017
SAKIR ..... Petitioner
versus
SOUTH DELHI MUNICIPAL CORPORATION ..... Respondent

\+ W.P.(C) 7352/2017
CHAMAN KHAN ..... Petitioner
versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR..... Respondents

Present : Mr. Ramesh Kumar Mishra and Mr. Rajnish Kumar Singh, Advocates for the petitioners in all items.
Mr. Vishal Rao, Advocate for respondent No.1 in W. P. (C) 128/2016,

9222/2016 and 9257/2016.
Mr. Naushad Ahmed Khan, ASC (Civil) with Ms.Sana Naseem, Advocate for GNCTD in W.P. (C) 128/2016.
Mr. Mukesh Gupta, Standing Counsel with Ms. Shashi Gupta, Advocate for SDMC in W.P. (C) Nos.9214/2016, W.P. (C) 9218/2016 & 7314/2017.
Ms.Madhu Sudan Bhayana, Advocate for R-2 in W.P.(C) No.9214/2016.
Mr. Rahul Sharma and Mr. C K. Bhatt, Advocates for respondent No. 2 in W. P. (C)9259/2016.
Ms. Arti Bansal, Advocate for SDMC in W.P. (C) 9219/2016 & 9259/2016.
Mr.Sanjeev Kr. Singh and Mr. Raghuvendra Pandey, Advocates for respondent no. 2, GNCTD in W.P. (C) 9257/2016 & 7234/2017.
Mr.Shlok Chandra and Mr.Ritesh Kumar Sharma, Advocates for R-2 in W.P.(C) No.9259/2016.
Ms. Vasundhara Nayyar, counsel for North DMC/respondent in W.P. (C) 927/2017 & W.P. (C) 961/2017.
Ms. Namrata Mukim, Advocate for NDMC & Mr. Bharat Bhushan, Advocate for NDMC/respondent no.1 in W.P. (C) 943/2017 & W.P. (C) 944/2017.
Mr. Sumit Aggarwal and Mr.Mukesh Sachdeva, Advocates for respondent no. 2 in W.P. (C) 945/2017, 961/2017 & 963/2017.
Mr. Pratap Singh and Mr.Navneet Tripathi, Advocates for MCD in W.P. (C) 945/2017, 963/2017 & 2291/2017.
Ms. Shobha Gupta, Advocate for SDMC in W.P. (C) 2295/2017.
Ms.Archana Bali, Advocate for SDMC in W.P.C. No.2297/2017
Ms.Mrinalini Sen and Mr.Tanmay Yadav, Advocates for respondent no. 2 in W.P. (C) 2297/2017.
Mr. Jagdish Sagar, Adv. for SDMC in W.P.(C) 2301/2017 & 2305/2017.
Mr. Jitendra Kumar Tripathi and Mr.Vipul Aggarwal, Advocates for SDMC in W. P. (C) 2304/2017.
Mr. Raghvendra Pandey, Advocate for GNCTD in W. P. (C) 7234/2017.
Ms. Puja Kalra, Advocate for SDMC in W. P. (C) Nos.7234/2017, 7291/2017, 7348/2017 and 7352/2017.
Ms.Shajali Vohra, Advocate for respondent No. 2 in W. P. (C) 7291/2017.
Mr. Praney Jain and Mr. Sudhanshu Arya, Advocates for respondent No. 1/North DMC in W. P. (C) 7292/2017.
Ms. Mini Pushkarna, Standing Counsel with Ms.Swagata Bhuyan and Ms.Shiva Pandey, Advocates in W. P. (C)7305/2017, 7318/2017, 7346/2017 and 7347/2017.
Mr.Rajneesh Bhaskar, Mr.Prakash Gohil and Mr.Uttam Kumar, Advocates for R-2/SHO, G.K. in W.P.(C) 7314/2017
Ms. Sangita Rai, Advocate for respondent No.2 in W. P. (C) 7348/2017.
Mr.Sumit Rajput, Advocate for UOI in W.P.C. No.7292/2017.
SI Sandeep Yadav, P.S. Mehrauli, in W.P.C. 7348/2017.

64

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **12.09.2018**

These petitions have been filed under Article 226 of the Constitution of India by the petitioners. The petitioners claim to be vending at their respective sites as mentioned in the writ petitions. Fear of dispossession of the petitioners has led to the filing of the present writ petitions.

Copies of challans have been placed on record by the petitioners. Mr. Mishra, learned counsel appearing on behalf of the petitioners submits that since the elections to the first Town Vending Committee (TVC) have already been conducted and, he is hopeful that the TVC will be constituted soon as a statement has been made by the Delhi Government before the Supreme Court of India in the Contempt Petitions (C) no.1214-1215/2018. He further submits that the petitioners would approach the TVC as and when it is functional. However, the counsel for the petitioners seeks a protection that, if for any reason, the petitioners are not found squatting at the time of the survey, that alone should not be a ground to reject their case.

Counsel for the respondents, without admitting any of the averments made in the writ petitions, submit that should the petitioners make an application with all supporting documents before the TVC, the same would be considered in accordance with law and merely because the petitioners are not found squatting, that itself alone would not be a ground to reject the case of the petitioners.

Accordingly, the writ petitions are disposed of with the following agreed directions:

(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 stand disposed of.

CM. APPL no.37244/2016 in W.P.(C) 9214/2016
CM. APPL no. 37249/2016 in W.P.(C) 9218/2016
CM. APPL no.37253/2016 in W.P.(C) 9219/2016
CM.APPL no.37270/2016 in W.P.(C) 9222/2016
CM. APPL no.37371/2016 in W.P.(C) 9257/2016
CM. APPL no.37387/2016 in W.P.(C) 9259/2016

The applications stand disposed of in view of the order passed in the writ petitions.

G. S. SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 12, 2018
pst