

\$~7

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

+ W.P.(C) 10504/2018

RAJU MANDAL AND ORS.

..... Petitioners

Through Mr. Dharmender Sharma and Ms. Monika
Singh, Advocates

versus

NEW DELHI MUNICIPAL COUNCIL AND ORS. Respondents

Through Mr. Sri Harsha Peechara, Standing
Counsel with Mr. Tushar Sannu, ASC,
Mr. Aditya Vikram Singh, Ms. Vidhi Jain
and Mr. Ankit Jain, Advocates for
NDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

%

12.11.2018

This is a petition filed under Article 226 of the Constitution of India by the petitioners. The petitioners claim to be squatting at various areas so mentioned in the writ petition. The petitioners claim that they have been removed by the officials of the respondent.

Mr. Peechara, learned counsel appearing for the NDMC submits that the petitioners are not regular street vendors, which is evident from the fact that their names do not find mentioned in the list of 628 street vendors prepared by the NDMC.

Mr. Sharma, learned counsel appearing for the petitioners has handed over copies of challans issued to the petitioners from time to time to Mr. Peechara. The same would be filed in the Registry during the course of the day. Mr. Sharma, submits that the Town Vending Committee(TVC) has since been constituted, the petitioners would approach the TVC as and when it is functional and, if for any reason, the petitioners are not found squatting, that alone should

not be a ground to reject their case.

Mr. Peechara, learned counsel appearing for the NDMC, without admitting any of the averments made in the writ petition, submits 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 petition is disposed of with the following agreed directions:

- (iii) The petitioners will approach the TVC as and when it is functional with all supporting documents; and
- (iv) 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 petition stands disposed of in above terms.

Dasti.

G.S.SISTANI, J

JYOTI SINGH, J

NOVEMBER 12, 2018

pst /
W.P.(C) 10504/2018