

\$~6

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

+ W.P.(C) 11085/2018

YASHODA DEVI

..... Petitioner

Through Mr. M.M. Kashyap, Advocate

versus

SOUTH DELHI MUNICIPAL CORPORATION

..... Respondent

Through Mr. Sri Harsha Peechara, Standing
Counsel with Ms. Vidhi Jain, Advocate
for the SDMC along with Mr. Parveen
Sharma(L.I. (CZ), SDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

%

06.12.2018

This is a petition filed under Article 226 of the Constitution of India by the petitioner. The petitioner claims to be a regular street vendor and is stated to be squatting at C-Block, East of Kailash Market, New Delhi. Fear of dispossession of the petitioner has led to the filing of the present writ petition. Copies of challans have been placed on record by the petitioner.

Mr. Peechara, learned counsel appearing for the SDMC submits that the fear of the petitioner is mis-conceived as there is no cause of action against the petitioner. He assures the Court that the petitioner is vending. Photographs have been shown which show that the petitioner is vending.

Mr. Kashyap, learned counsel appearing for the petitioner, at this stage, submits that the Town Vending Committee(TVC) has since been constituted, the petitioner would approach the TVC and, if for any reason, the petitioner is not found squatting, that alone should not be a ground to reject her case.

Mr. Peechara, learned counsel appearing for the SDMC, without admitting any of the averments made in the writ petition, submits that should the petitioner makes 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 the case of the petitioner.

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

- (i) The petitioner will approach the TVC with all supporting documents; and
- (ii) The TVC will consider the case of the petitioner in accordance with law and merely because the petitioner is not found vending at the site at the time of survey, that by itself would not be a ground alone to reject her 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.

CM.APPL 43084/2018 also stands disposed of.

G.S.SISTANI, J

JYOTI SINGH, J

DECEMBER 06, 2018

pst /
W.P.(C) 11085/2018