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

+ **W.P.(C) 11223/2018**

RAJESH KUMAR GOGIA Petitioner

Through: Mr M.P.Bhargava, Adv

versus

UNION OF INDIA & ORS Respondents

Through: Mr Tushar Sannu and Mr Ankit Jain,
Adv for R-2

Mr Bharat Singh Sisodia, Adv for
GNCTD for Commissioner of Police

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

O R D E R

% **16.10.2018**

CM No. 43599/2018 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 11223/2018

The petitioner claims to be a regular street vendor and is vending at the INA Market. Fear of dispossession has led to the filing of the present writ petition.

Counsels for the respondents who enter appearance on an advance copy submit that the petitioner is not a regular street vendor and further the Town Vending Committee (TVC) has since been formed, the petitioner should approach the TVC with all supporting documents to establish his case.

At this stage, the learned counsel for the petitioner submits that the petitioner would approach the TVC with all supporting documents and in case at the time of survey, for any reason, the petitioner is not

found vending that should not be a ground alone to reject his case.

Counsels for the respondents, without admitting any of the averments made in the writ petition, submit that should the petitioner approach the TVC with all supporting documents, the TVC would consider the case in accordance with law and merely because he may not be found vending at the site would not be a ground alone to reject his case.

In view of the stand taken in court today, the writ petition is disposed of with the following agreed directions:-

- (i) The petitioner would approach the TVC as and when it is functional with all the 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 prejudice to the rights and contentions of both the parties.

The writ petition is disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

OCTOBER 16, 2018
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