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

+ W.P.(C) 11550/2018 & CM APPL. 44693/2018

BHIM SINGH

..... Petitioner

Through: Mr. N.K. Sahoo, Adv.

versus

NEW-DELHI MUNICIPAL COUNCIL

AND ANR.

..... Respondents

Through: Mr. Sri Harsha Peechara, Standing
Counsel for NDMC with Mr. Tushar
Sannu, Mr. Aditya Vikram Singh and
Ms. Vidhi Jain, Advs. for R-1

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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26.10.2018

This is a petition under Article 226 of the Constitution of India filed by the petitioner. Mr. Sahoo, the learned counsel for the petitioner submits that the petitioner is a regular street vendor and has been vending in Sarojini Nagar Market.

Counsel for respondent no.1 enters appearance on an advance copy and disputes the averments made in the writ petition and submits that the petitioner is not a regular street vendor, which is disputed by the counsel for the petitioner.

Mr. Sahoo, at this stage, submits that since the Town Vending Committee (TVC) has been constituted, he will approach the TVC and merely because the petitioner may not be found vending, that should not be

a ground alone to reject the case of the petitioner.

Learned counsel for the respondent submits that the copies of challans which have been placed on record are without any name and moreover, the petitioner is not a regular street vender. However, without admitting any of the averments made in the writ petition, he submits that in case the petitioner approaches the TVC, the TVC would consider the case of the petitioner in accordance with law.

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

- (i) The TVC will consider the case of the petitioner in accordance with law after taking into consideration the material placed on record;
- (ii) Merely because the petitioner may not be found vending at the site, that by itself would not be a ground alone to reject the case of the petitioner.

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.

CM APPL. 44693/2018 also stands disposed of.

Dasti.

G.S.SISTANI, J

JYOTI SINGH, J

OCTOBER 26, 2018/PB