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

+ W.P.(C) 12047/2018

KAILASH & ANR

..... Petitioners

Through

Mr. N.K. Sahoo and Mrs. S.B. Sahoo,
Advocates

versus

NEW DELHI MUNICIPAL COUNCIL & ANR

..... Respondents

Through

Mr. Sri Harsha Peechara, Standing
Counsel with Ms. Malvika Trivedi, ASC,
Mr. Tushar SannuMr. Aditya Vikram
Singh and Ms. Vidhi Jain, Advocates for
NDMC.

Mr. Varun Kumar Tikmani, Advocate for
respondent no.2.

Mr. Jamal Akhtar, Advocate for GNCTD.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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12.11.2018

This is a petition filed under Article 226 of the Constitution of India by the petitioners. The petitioners claim to be regular street vendors squatting opposite Shop no.47, Sarojini Nagar Market, New Delhi. Presently, both the petitioners, being father and son are selling crockeries from opposite Shop no.96, Sarojini Nagar Market, New Delhi. Fear of dispossession of the petitioners has led to the filing of the present writ petition. Copies of challans have been placed on record by the petitioners.

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. Sahoo, learned counsel appearing for the petitioners 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:

- (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 petition stands disposed of in above terms.

CM.APPL 46657/2018 also stands disposed of.

Dasti.

G.S.SISTANI, J

JYOTI SINGH, J

NOVEMBER 12, 2018

pst /
W.P.(C) 12047/2018