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

+ W.P.(C) 12056/2018

VISHNU

..... Petitioner

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

versus

NEW DELHI MUNICIPAL COUNCIL & ANR

..... Respondent

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. Jamal Akhtar, Advocate for GNCTD.

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 petitioner. The petitioner claims to be regular street vendor squatting opposite/back side of Shop no.137, Sarojini Nagar Market, New Delhi and is selling readymade garments. 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 NDMC submits that the petitioner is not a regular street vendor, which is evident from the fact that the name of the petitioner does not find mentioned in the list of 628 street vendors prepared by the NDMC.

Mr. Sahoo, learned counsel appearing for the petitioner submits that the Town Vending Committee(TVC) has since been constituted, the petitioner would approach the TVC as and when it is functional and, if for any reason, the petitioner is not found squatting, that alone should not be a ground to reject the case of the petitioner.

Mr. Peechara, learned counsel appearing for the NDMC, 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 as and when it is functional 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 46676/2018 also stands disposed of.

Dasti.

G.S.SISTANI, J

JYOTI SINGH, J

NOVEMBER 12, 2018

pst /
W.P.(C) 12056/2018