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

+ W.P.(C) 12341/2018

LAL BIHARI SHAH AND ORS.

..... Petitioner

Through Mr. Dharmender Sharma and Ms. Monika
Singh, Advocates

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) AND ANR.

..... Respondent

Through Mr. D.S. Mahendru, Standing Counsel
with Mr. Tushar Sannu, ASC for NDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **19.11.2018**

CM.APPL 47850-47851/2018 (Exemption)

Exemption allowed, subject to all just exceptions.

The applications stand disposed of.

W.P.(C) 12341/2018

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 off and on in the Sarojini Nagar Market area, New Delhi and other NDMC areas. The petitioners claim to be selling readymade products from their respective areas. Copies of challans have been placed on record by the petitioners.

Mr. Sharma, learned counsel for the petitioners submits that since the Town Vending Committee(TVC) has been constituted, the petitioners would approach the TVC with all supporting documents and, if for any reason, the petitioners are not found squatting at the time of survey, that alone should not be a ground to reject their case.

Counsel for the respondent, 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.

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

- (i) The petitioners will approach the TVC 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.

Dasti.

G.S.SISTANI, J

JYOTI SINGH, J

NOVEMBER 19, 2018

pst /
W.P.(C) 12341/2018