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

+ W.P.(C) 12654/2018

JUGESH KUMAR AND ORS.

..... Petitioners

Through Mr. Dharmender Sharma, Advocate

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC) AND ANR.

..... Respondents

Through Mr. D.S. Mehandru and Mr. Aditya
Vikram Singh, Advocates for NDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **27.11.2018**

CM.APPL 49148-49149/2018(Exemption)

Exemption allowed, subject to all just exceptions.

The applications stand disposed of.

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Six petitioners have filed the present writ petition under Article 226 of the Constitution of India. The petitioners claim to be regular street vendors and squatting at the respective sites as mentioned in the writ petition.

Mr. Sharma, learned counsel for the petitioners submits that the names of the petitioners finds mentioned in the list of 628 street vendors prepared by the NDMC. He further submits that the survey has been conducted by the Town Vending Committee (TVC) and the petitioners were found vending at the time of survey. Mr. Sharma submits that the petitioners would approach the TVC and seeks a direction to the TVC to consider their names in accordance with law.

Mr. Mehandru, learned counsel enters appearance on behalf of NDMC on

an advance copy. Without admitting any of the averments made in the writ petition, he submits that should the petitioners make an application with all supporting documents before the TVC, the same should 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 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 27, 2018

pst /
W.P.(C) 12654/2018