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

+ **W.P.(C) 12928/2018 & CM APPL.No.50216/2018**

SH. RAM KUMAR YADAV

..... Petitioner

Through: Mr.R.N.Singh and Mr.Anand Shailani,
Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL Respondent

Through: Mr.D.S.Mehandru, Addl. Standing
Counsel with Mr.T.S.Dahiya and
Mr.Tushar Sannu, Advocates, Advocate
for respondent.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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30.11.2018

CM.APPL. 50217/2018 (*exemption*)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 12928/2018 & CM APPL. No.50216/2018 (*direction*)

Notice. Mr. D.S.Mehandru, Advocate entered appearance on behalf of respondent.

Present writ petition has been filed under Article 226 of the Constitution of India by the petitioner. The petitioner claims to be squatting near Indian Oil Building, Janpath, New Delhi. It is submitted that although the petitioner has been carrying out his vending activities, he is being harassed by the officials of the respondents.

Learned counsel appearing on behalf of the petitioner, at this stage, submits that since the Town Vending Committee (TVC) has been constituted, the petitioner would approach the TVC with all supporting

documents and, if for any reason, the petitioner is not found squatting at the time of survey, that alone should not be a ground to reject his case.

Mr. Mehandru, learned Additional Standing Counsel appearing on behalf of the respondent/New Delhi Municipal Council without admitting any of the averments made in the writ petition, submits that should the petitioner make 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.

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

- (iii) The petitioner will approach the TVC with all supporting documents; and
- (iv) 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 his 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.

Pending application also stands disposed of.

G.S.SISTANI, J

JYOTI SINGH, J

NOVEMBER 30, 2018/ssc
W.P.(C) 12928/2018