

\$~17

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

+ **W.P.(C) 9453/2017 & CM APPL. 38438/2017**

RAMAKANT TIWARI

..... Petitioner

Through Mr. Gyan Prakash with Ms. Neeraj,
Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION
AND ANR.

..... Respondents

Through Mr. Satyakam, ASC, GNCTD with
Mr. Shashwat Parihar, Adv.
SI Mahesh Chand, PS NFC, New
Delhi.
Mr. Mukesh Gupta, Standing Counsel
with Ms. Shashi Gupta, Adv for
SDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **25.05.2018**

Petitioner claims to be squatting at the Okhla Mod Bus Stand, Delhi. The main grievance of the learned counsel for the petitioner is that the petitioner is being singled out whereas the area is full of street vendors. Learned counsel appearing for the MCD, submits that the area is primarily a 'no hawking no vending zone'. It is a highly congested area and the petitioner cannot be allowed to hawk and vend as it causes obstruction to free movement of traffic and pedestrians.

Counsel for the MCD disputes the submission made by the counsel for the petitioner that the petitioner is being singled out. Mr.Gupta submits

that uniform action for removal of encroachers and unauthorized street vendors is taken in regular intervals. At this stage, counsel for the petitioner submits that the petitioner shall approach the TVC as and when it is constituted and merely because the petitioner may not be found vending at the site should not be a ground to reject his case. Counsel for the respondents submits that without admitting any of the averments made in the writ petition, should the petitioner approach the TVC as and when it is functional, the TVC would consider the case of the petitioner in accordance with law and merely because the petitioner may not be found vending at the time of survey would not be a ground alone to reject his case.

Binding the parties to the stand taken in Court today, as agreed, the writ petition is disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

MAY 25, 2018

Pallavi