

\$~34

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

+ W.P.(C) 12976/2018, C.M.50385/2018 (stay)

MADHAV PRASAD CHAUDHARY Petitioner

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

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR. Respondents

Through: Mr.D.S. Mahendru, Addl.Standing
counsel with Mr.Mananjay Kr.Mishra,
Advt. for NDMC.
Mr.Zahid Hanief, proxy counsel for
Mr.Naushad Ahmed Khan, ASC (Civil),
GNCTD/R-2.
ASI Mahipal, PS Sarojini Nagar

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **03.12.2018**

This is a petition filed under Article 226 of the Constitution of India by the petitioner. The petitioner claims to be a regular street vendor squatting in front of Shop No.141, Sarojini Nagar Market, New Delhi. 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.D.S. Mahendru, learned counsel for the NDMC enters appearance on an advance copy and denies all the averments made in the writ petition. He submits that the petitioner is not a regular street vendor.

We have heard learned counsel for the parties.

Mr. Sahoo, learned counsel appearing for the petitioner submits that since the Town Vending Committee (TVC) has 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 his case.

Mr. Mahendru, learned counsel appearing for the NDMC, 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 his case.

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

- (i) The petitioner will approach the TVC 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 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.

C.M.50385/2018 also stands disposed of.

Dasti.

G.S.SISTANI, J

JYOTI SINGH, J

DECEMBER 03, 2018

rb/

W.P.(C) 12976/2018

page 2 of 2