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

+ LPA 789/2017 & CM 45395/2017

KAMLESH KUMAR GUPTA Appellant

Through Mr.Suhail Khan Adv. with Mr.Zeeshan
Alam, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS Respondents

Through Mr.Sriharsha Peechara, Standing counsel
for NDMC with Ms.Vidhi Jain, Adv.
Ms.Nishima Arora, Adv. for Mr.Sanjay
Dewan, Adv. for R-3.
Ms.Puja Kalra, Standing Counsel for R-1
with Mr.Rajesh Kumar.

+ W.P.(C) 3859/2011

KAMLESH KUMAR GUPTA Petitioner

Through Mr.Suhail Khan Adv. with Mr.Zeeshan
Alam, Adv.

versus

NDMC AND ORS Respondents

Through Mr.Sriharsha Peechara, Standing counsel
for NDMC with Ms.Vidhi Jain, Adv.
Ms.Puja Kalra, Standing Counsel for R-1
with Mr.Rajesh Kumar.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **14.11.2018**

The present petitions are being decided by a common order as prayed.
The relief claimed by the petitioner who is common in both the proceedings is

identical. The petitioner claims to be a regular street vendor. He submits that his name finds mention at S.No.259 out of the list of 628 street vendors prepared by the NDMC in 2011. The petitioner claims that prior to November 2010, he was vending near Regal Building and thereafter opposite the gate nos.3 & 4 of Pallika Bazar.

The complaint of the petitioner is that he has been illegally removed by the officials of the respondent in April 2017. He submits that since the Town Vending Committee (TVC) has been constituted and they had conducted a survey during which the petitioner was present there and the name of the petitioner has been included in the survey conducted by the TVC. The counsel submits that the petitioner would approach the TVC with all supporting documents and TVC should be directed to dispose of his application in accordance with law and allow him to vend at the spot from where he was removed.

Learned counsel for the respondent submits that the Pallika Bazar area has been notified as '*no hawking, no vending zone*' and only Tehbazari holders who are licencees, some persons out of the Thareja committee and some persons with disability are allowed to hawk and vend. She submits that without admitting any of the averments made in the writ petition and the LPA, in case the appellant/petitioner approaches the TVC with all supporting documents. TVC would consider his case in accordance with law.

With these observations, the writ petition and the LPA are disposed of.

CM Appln.45395/2017 also stands disposed of.

G.S.SISTANI, J

JYOTI SINGH, J

NOVEMBER 14, 2018/ab/