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

+ **W.P.(C) 13203/2018 & CM APPL. 51261/2018**

SH. MAHESH YADAV AND ORS. Petitioners
Through: **Mr.R.N.Singh** and **Mr.Anand Shailani, Advocates.**

versus

NEW DELHI MUNICIPAL COUNCIL Respondent
Through: **Mr.D.S.Mehandru, ASC** with **Mr.T.S.Dahiya and Mr.Tushar Sannu, Advocates.**

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **07.12.2018**

CM.APPL. 51262/2018 (*exemption*)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 13203/2018 & CM APPL. 51261/2018

Present writ petition has been filed under Article 226 of the Constitution of India by the petitioners. The petitioners claim to be squatting at the places (mentioned in the memo of parties), Sarojini Nagar Market, New Delhi. It is submitted that although the petitioners have been carrying out their vending activities, they are being harassed by the officials of the respondents.

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

for any reason, the petitioners are not found squatting at the time of survey, that alone should not be a ground to reject their case.

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 petitioners make an application with all supporting documents before the TVC, the same would 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.

Resultantly, 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.

G.S.SISTANI, J

JYOTI SINGH, J

DECEMBER 07, 2018

SSC

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