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

+ W.P.(C) 10990/2017

SANTOSH NARAIN

..... Petitioner

Through Mr. N.K. Sahoo, Advocate

versus

NEW-DELHI MUNICIPAL COUNCIL AND ANR.

..... Respondents

Through Mr. Tarunvir Singh Khehar, Mr. Simar

Pal Singh and Mr. Abhimanyu Gupta,
Advocate for NDMC.

Ms. Isha Khanna, Advocate for
respondent no.2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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10.01.2018

This is a petition under Article 226 of the Constitution of India filed by the petitioner. Mr. Sahoo, the learned counsel for the petitioner submits that the petitioner is a regular street vendor and has been vending in front of Indian Oil Bhawan Building, near police booth, Janpath, New Delhi since 1989. It is also the case of the petitioner that the petitioner continues to vend till date, but the grievance of the petitioner is that the possession of the petitioner is being disturbed by the officials of the respondent.

Counsel for respondent no.1 enters appearance on an advance copy and disputes the averments made in the writ petition and submits that the petitioner is not a regular street vendor, which is disputed by the counsel for the petitioner. Counsel for the respondent submits that the petitioner cannot be allowed to vend at the spot in question as free movement of pedestrians is being obstructed.

Mr. Sahoo, at this stage, submits that the petitioner would be satisfied if the petitioner is allowed to approach the Town Vending Committee (TVC) as and when it becomes functional and merely because she may not be found vending at the spot at the time of survey, that should not be a ground to reject her case.

Learned counsel for the respondent submits that should the petitioner makes an application with 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.

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

- (i) The petitioner would approach the TVC as and when it is constituted with all the supporting documents;
- (ii) The TVC will consider the case of the petitioner in accordance with law and expeditiously after taking into consideration all the material placed on record;
- (iii) Merely because the petitioner is not found vending at the site when the survey is conducted, that by itself would not be a ground alone to reject her case.

We make it clear that we have not expressed any opinion on the merits of the matter and this order is being passed without prejudice to the rights and contentions of both the parties.

The writ petition is disposed of.

CM.APPL 44955/2017 also stands disposed of.

Dasti.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JANUARY 10, 2018

pst/

W.P.(C) 10990/2017