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

+ W.P.(C) 11337/2017

NAND RAM

..... Petitioner

Through Mr. Ramesh Kumar Mishra, Advocate

versus

SOUTH DELHI MUNICIPAL CORPORATION

..... Respondent

Through Mr. Sri Harsha Peechara, Standing
Counsel with Ms. Vidhi Jain, Advocate
for SDMC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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04.01.2018

This is a petition under Article 226 of the Constitution of India filed by the petitioner. The petitioner claims to be a regular street vendor vending at Sewa Nagar Bazar, Prem Nagar Nallah, Central Zone, South Delhi Municipal Corporation.

Mr. Mishra, counsel for the petitioner, at this stage submits that the petitioner only seeks a direction that as and when the Town Vending Committee(TVC) is constituted, the name of the petitioner should be considered and merely because he is not found vending at the site when the survey is conducted, that should not a ground to reject his case.

Mr. Peechara, learned Standing Counsel appearing on behalf of the respondent without admitting any of the averments made in the writ petition, 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 his 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.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JANUARY 04, 2018

pst /
W.P.(C) 11337/2017