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

+ W.P.(C) 897/2019

UMA SHANKAR GUPTA

..... Petitioner

Through Mr. Kamlesh Kumar Mishra & Mr. Rohit
Kalra, Advocates.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through Ms. Sangeeta Chandra, Advocate for R-1.
S.I. Kapil Yaduvanshi, P.S. Vasant Kunj
(North).

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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28.01.2019

CM APPL. 4071/2019 (exemption)

Exemption is allowed, subject to all just exception.

The application stands disposed of.

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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 near B-1, Local Shopping Centre, opposite Delhi Jal Board Office, Vasant Kunj, New Delhi. Copies of challans pertaining to the years 2004 and 2009 have been placed on record. One challan pertaining to the year 2017 in the name of son of the petitioner has also been placed on record.

Mr. Kamlesh Kumar Mishra, counsel for the petitioner submits that the Town Vending Committee (TVC) has since been constituted, the petitioner would approach the TVC and, if for any reason, the petitioner is not found

squatting, that alone should not be a ground to reject his case.

Ms. Sangeet Chandra, learned counsel appearing for the SDMC, 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 the case of the petitioner.

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) 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.

CM APPL 4070/2019 also stands disposed of.

G.S.SISTANI, J

JYOTI SINGH, J

JANUARY 28, 2019/ck /

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