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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ W.P.(C) 1763/2019 & CM.APPL 8147/2019
SHEELA BAWARIYA Petitioner

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR. Respondents

+ W.P.(C) 1766/2019 & CM.APPL 8238/2019
SURAJ KUMAR BAWARIYA Petitioner

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR. Respondents

+ W.P.(C) 1778/2019 & CM.APPL 8286/2019
MEENA BAWARIYA Petitioner

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR. Respondents

Present : Mr. N.K. Sahoo, Advocate for petitioners in all items.
Mr. Sri Harsha Peechara, ASC for NDMC with Ms. Ashish Tiwari
& Ms. Kriti Sinha, Advocates in all items.
Ms. Jyoti Taneja, Advocate for R-2 in all items.

CORAM:

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

ORDER
29.04.2019

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These are the petitions filed by the petitioners under Article 226 of the Constitution of India. In all these petitions, petitioners claim to be regular street vendors squatting at the following sites :

S.No.	W.P. (C) No.	Name of the petitioners	Place of squatting
1	1763/2019	Sheela Bawariya	Opp. DLF Mall, Sarojini Nagar, New Delhi-23
2	1766/2019	Suraj Kumar Bawariya	Opp. DLF Mall, Sarojini Nagar, New Delhi-23

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3	1778/2019	Meena Bawariya	In front of Shop no.S-19, Mini Market, Sarojini Nagar, New Delhi-23
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Mr. Sahoo, learned counsel appearing for the petitioners submits that the Town Vending Committee (TVC) has since been constituted, the petitioners would approach the TVC. He seeks a direction to the respondent to consider the case of the petitioners and, if for any reason, the petitioners are not found squatting, that alone should not be a ground to reject their case. Counsel relies on the copies of challans placed on record.

Time was sought by Mr. Peechara, counsel for the NDMC to verify the authenticity of the challans placed on record by the petitioners. He submits that some of the challans seem to be suspicious. However, without admitting any of the averments made in the petition, Mr. Peechara submits that in case the petitioners approach the TVC (at that stage the challans would also be verified), and 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.

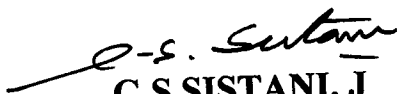
Accordingly, the writ petitions and all pending applications are disposed of with the following agreed directions:

- (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.

CM.APPL 8147/2019 (stay) in W.P.(C) 1763/2019
CM.APPL 8238/2019 (stay) in W.P.(C) 1766/2019
CM.APPL 8286/2019 (stay) in W.P.(C) 1778/2019

The applications stand disposed of in view of the order passed in the writ petitions.


G.S.SISTANI, J


JYOTI SINGH, J

APRIL 29, 2019/ck
W.P.(C) 1763/2019 & ors.