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

+ W.P.(C) 6368/2019

MR. SUNIL KUMAR AND ORS. Petitioners
Through Mr.Ramesh Kumar Mishra, Advocate

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR. Respondents
Through Ms. Puja Kalra, Advocate for R-
1/SDMC
Mr. Satinder Singh, Advocate for R-2

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE TALWANT SINGH

ORDER
% **30.05.2019**

1. This is a second writ petition filed by petitioners, five in numbers, who had earlier hereto filed W.P.(C) No.1910/2019 claiming *inter alia* that they are regular street vendors squatting at Kharijabad Chowk, near SPA Hostel boundary, adjacent to B-Block, New Delhi. They had expressed a fear that they were being dispossessed by the respondent/SDMC. Counsel for the respondent/SDMC had stated before the Court that the area in question is a non-hawking and non-vending zone and the petitioners are not regular street vendors. In fact, they were blocking free flow of traffic, the movement of pedestrians in the area and encroachers of this nature are

removed from time to time, the last exercise in this regard having been carried out on 07.02.2019.

2. At that stage, Mr. Mishra, learned counsel for the petitioner who happens to be the counsel for the petitioners in the present case, had stated that his clients will approach the Town Vending Committee (TVC) with an application alongwith supporting documents for consideration and simply because they are not found squatting at the site, may not be a ground to reject their case.

3. After recording the submission of both sides, the earlier petition was disposed of with permission granted to the petitioners to approach the TVC with all supporting documents. Direction was issued to the TVC to consider the case of the each of the petitioners in accordance with law. It was also clarified that merely because they were not found vending at the site at the time of the survey, that itself would not be ground to reject their case.

4. Less than two months from the date of passing of the aforesaid orders, the petitioners have once again approached the Court for seeking directions to restrain the respondent/SDMC from interfering in their vending activities.

5. Having regard to the fact that the respondent/SDMC had already stated before the Court in the earlier writ petition filed by the petitioners that they are not regular street vendors and were found blocking the free flow of the traffic and movement of pedestrians in the area where encroachment was being removed from time to time, there is no question of permitting them to carry on their vending activities from a non-hawking and non-vending zone.

6. Learned counsel for the respondent/SDMC clarifies that the

composition of the TVC is not yet complete and some members have yet to be elected for which the polling shall take place by 30.06.2019.

7. That being the position, we do not propose to entertain the present petition. Liberty has already been granted to the petitioners to approach the TVC with all the supporting documents and with a clarification that even if they were not found vending at the site at the time of the survey, that itself would not be a ground to reject their case.

8. It is directed that the TVC shall follow the guidelines laid down in the scheme as declared on 01.04.2019, while undertaking the process of examining the case of each of the petitioners.

9. The petition is disposed of.

HIMA KOHLI, J

TALWANT SINGH, J

MAY 30, 2019/rr