

\$~20

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

+ W.P.(C) 8929/2017

VIDHA DEVI @ VIDHYA DEVI AND ANR. Petitioners

Through: Mr.N.K.Sahoo, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORTION AND ANR.

..... Respondents

Through: Mr.Sriharsh Peechara, Standing Counsel
for SDMC with Ms.Vidhi Jain and
Ms.Gauri P. Desai, Advocates for R-1.
Mr.Abhinav Singh, Mohd. Kaisar Ansari
and Mr.Abdullah Tanveer, Advocates for
R-2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **25.01.2019**

This is a petition filed under Article 226 of the Constitution of India by the petitioner. Fear of dispossession has led to filing of the present writ petition.

The petitioner claims to be a regular street vendor squatting at the pavement along with Church Boundary, M.B.Road, Near Batra Hospital, Tughlakabad Institutional Area, New Delhi-62. The petitioner claims to be running a tea stall.

Mr. Sahoo, learned counsel for the petitioner submits that since the Town Vending Committee (TVC) has been constituted, the petitioner would approach the TVC with all supporting documents and, if for any reason, the petitioner are not found squatting at the time of survey, that alone should not be a ground to reject her case.

Counsel for the respondent, without admitting any of the averments made

in the writ petition, submits that the petitioner is not a regular street vender and even otherwise preparation of tea and snacks cannot be allowed in the open area. Additionally, it is submitted that the petitioner is occupying extra area which he cannot be allowed to do. Mr.Sahoo, learned counsel submits that the petitioner would only use 6x4 feet area open to sky and follow all other norms of the South Delhi Municipal Corporation. Learned counsel further 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.

Resultantly, the writ petition is disposed of with the following agreed directions:

- (i) The petitioner will approach the TVC with all supporting documents; and
- (ii) The 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 her 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.

Dasti.

G.S.SISTANI, J

JYOTI SINGH, J

JANUARY 25, 2019

SSC

W.P.(C) 8929/2017

Page 2 of 2