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

+ W.P.(C) 13952/2018

SH. KAPIL

..... Petitioner

Through Mr. R.N. Singh and Mr. Anand Shailani,
Advocates

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through Mr. Sri Harsha Peechara, ASC with Mr.
Mananjay Kumar Mishra, Ms. Vidhi Jain
and Ms. Gauri P. Desai, Advocates

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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30.01.2019

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 Gate nos.3 to 4, Palika Bazar, Connaught Place, New Delhi and selling readymade items. He also claims to be a person with 40% disability. Fear of dispossession has led to the filing of the present writ petition.

Mr. R.N. Singh, 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 is not found squatting at the time of survey, that alone should not be a ground to reject his case.

Mr. Peechara, learned counsel for the respondent, 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.

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 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 54642/2018 also stands disposed of.

G.S.SISTANI, J

JYOTI SINGH, J

JANUARY 30, 2019

pst /
W.P.(C) 13952/2018