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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 263/2024**

SABOORAN

..... Petitioner

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

versus

NEW-DELHI MUNICIPAL COUNCIL AND ANR..... Respondents

Through: Mr. Sriharsha Peechara, Standing
Counsel with Ms. Devika Mohan,
ASC, Ms. Harshita Gupta and Mr.
Shubham Kumar Mishra, Adv.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

09.01.2024

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1. The petitioner has filed the present petition *inter-alia* praying as under:

“To issue a writ of mandamus or appropriate writ or direction or order directing the respondents to allow the petitioner to participate in the Survey intended to be conducted in the year 2024 by Town Vending Committee in accordance with law as well as in term of the mock survey conducted on 13.12.2023 at her place of squatting near Gate No-1 Babu Market , Sarojini Nagar , New-Delhi-23 ;”

2. The petitioner claims that she has been squatting in front of Gate No.1, Babu Market, Sarojini Nagar, New Delhi-110023 and apprehends that she would not be included in the survey. Although, the prayer in the petition does not precisely state the same, it appears that the petitioner also seeks that she may be permitted to continue squatting in front of Gate No.1, Babu Market, Sarojini Nagar, New Delhi-110023 till the disposal of the

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above-captioned writ petition.

3. In so far as the petitioner's apprehension regarding being excluded from the survey is concerned, the learned counsel appearing for the respondents submits that in terms of paragraph 1.1.12 of the Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme 2019, all persons claiming to be street vendors would be provided an opportunity to submit evidence in support of their claim that they were engaged in street vending. He submits that this would be irrespective of whether a street vendor has been found at the given site.

4. The respondent is bound down to the statement made by his counsel.

5. In view of the above statement, the petitioner's apprehension that she would be excluded from survey is clearly addressed.

6. In so far as the petitioner's claim that she be permitted to squat in front of Gate No.1, Babu Market, Sarojini Nagar, New Delhi-110023 is concerned, this Court cannot pass any such orders at this stage as the issue, whether she has been squatting at the given site is required to be determined by the concerned authority.

7. The petition is accordingly, disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

JANUARY 9, 2024/r

Click here to check corrigendum, if any

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