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

+ **W.P.(C) 16401/2023**

MOHD. AFZAL

..... Petitioner

Through: Mr Satish Kumar Tripathi,
Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL-TVC

& ORS.

..... Respondents

Through: Mr Sriharsha Peechara,
Standing Counsel for NDMC
with Ms Devika Mohan, ASC
for NDMC with Ms Harshita
Gupta and Mr Shubham Kumar
Mishra, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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05.01.2024

CM APPL. 66017/2023

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner has filed the present petition, *inter alia*, praying as under:

- a. admit the writ petition against the respondent.
- b. Direct the TVC of NDMC to carry out and conduct the survey of the petitioner on the basis of document in his possession by newly constituted TVC of NDMC in a time bound manner as the per the mandate of Act, Rules and Scheme without any arbitrariness and colourable exercise of power and



that the petitioner is not found vending at his vending place at the time of survey may not be sole ground to reject his candidature to the claim of his vending space.

- c. That direction may be issued against respondent No 2 & 3 that the petitioner may not be disturbed from the present vending site fro,/near Reagl Cinema, Regal Building, Connaught Place New Delhi (more particularly as mentioned in the Memo of Parties) as same does not falls under No hawking/ No Vending Zone till such time the TVC of NDMC will complete the exercise of proper verification and final allotment of vending site to him as per the provisions of the Act as petitioner is existing and verified street vendor.”

4. Insofar as the petitioner’s prayer that Town Vending Committee (TVC) of New Delhi Municipal Council be directed to conduct a survey is concerned, the learned counsel appearing for the respondent nos. 1 and 2 submits that steps are being taken for conducting a survey and the petitioner is also entitled to make a representation in this regard. Learned counsel submits that in the event the petitioner makes a representation, the same would be duly considered.

5. It is the petitioner’s case that he was operating from the site opposite to Regal Cinema Building, which had been declared as a ‘no-vending’ zone. Accordingly, the petitioner has been removed from the said site. He, however, submits that the petitioner has ample material to establish that he was operating from the site for a considerable period of time.

6. The learned counsel appearing for respondent nos. 1 and 2 submits that the petitioner may make a representation to the TVC, with all available material, and the same shall be considered in



accordance with law. In view of the above, no further orders are required to be passed.

7. The petition is, accordingly, disposed of.

8. The respondents shall be bound down to the statement made by counsel. The petitioner is at liberty to file a representation to the TVC.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

JANUARY 5, 2024
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