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

% *Date of Judgment 5th January, 2018*

+ W.P.(C) 61/2018 & & CM APPLN. No.287/2018

MUKESH KUMAR Petitioner

Through: Mr. Debajyoti Behuria, Proxy Counsel

versus

NDMC AND ANR. Respondents

Through: Mr. Tusshar Sannu, Advocate for North
MCD

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

1. This is a petition under Article 226 of the Constitution of India and under the Street Vendors Act, 2014 filed by the petitioner. The petitioner claims to be a regular street vendor vending at Sewa Nagar Bazar, Prem Nagar Nallah, Central Zone, South Delhi Municipal Corporation.
2. Learned counsel for the petitioner submits that the petitioner is squatting in the corner of Shop/Building No. 36-E, Fashion Corner, Bada Golchakkar, Kamla Nagar, PS-Roop Nagar, Delhi-110007.
3. Learned counsel for the petitioner, at this stage submits that the petitioner only seeks a direction that as and when the Town Vending Committee(TVC) is constituted, the name of the

petitioner should be considered and merely because he is not found vending at the site when the survey is conducted, that should not a ground to reject his case.

4. Mr. Tushar Sannu, learned Standing Counsel appearing on behalf of the respondent without admitting any of the averments made in the writ petition, submits that should the petitioner makes an application with 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.
5. Accordingly, the present petition is disposed of with the following agreed directions:-
 - (i) The petitioner would approach the TVC as and when it is constituted with all the supporting documents;
 - (ii) The TVC will consider the case of the petitioner in accordance with law and expeditiously after taking into consideration all the material placed on record;
 - (iii) Merely because the petitioner is not found vending at the site when the survey is conducted, that by itself would not be a ground alone to reject his case.
6. We make it clear that we have not expressed any opinion on the merits of the matter and this order is being passed without prejudice to the rights and contentions of both the parties.
7. The writ petition is disposed of.

CM APPL. No. 287/2018

Application stands disposed of, in view of the order passed in the writ petition.

G. S. SISTANI, J

SANGITA DHINGRA SEHGAL, J

JANUARY 05, 2018

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HIGH COURT OF DELHI



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