

(2018) 01 DEL CK 0224

In the Delhi High Court

Case No : Civil Writ Petition No. 61 Of 2018, Civil Miscellaneous Application No. 287 Of 2018

Mukesh Kumar

APPELLANT

Vs

Ndmc And Anr

RESPONDENT

Date of Decision : 05-01-2018

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2018) 01 DEL CK 0224

Hon'ble Judges : G.S.Sistani, J; Sangita Dhingra Sehgal, J

Bench : Division Bench

Advocate : Debajyoti Behuria, Tusshar Sannu

Final Decision : Disposed Of

Judgement

G. S. Sistani, J

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 be a ground to reject his case.

4. Mr. Tusshar 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.