

\$~47

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

+ **W.P.(C) 858/2017**

**PALIKA YOUTH STREET VENDORS WELFARE SOCEITY
(REGD) & ORS.** Petitioners
Through **Mr.Bhupesh Narula, Adv. with
Mr.Sunny Arora, Adv.**

versus

GOVT OF NCT OF DELHI AND ANR Respondents
Through **Mr.Tushar, Adv. for Mr.Sanjay
Ghose, Adv. for GNCTD.**
**Mr.Sri Harsha Peechara, Adv. along
with Ms.Vidhi Jain and Mr.Shailja
Nanda Mishra, Advs. for NDMC
along with Narayan Kr. ALO, in
person.**

CORAM:

**HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE VINOD GOEL**

ORDER
% **31.01.2017**

CM.APPL.3953/2017 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 858/2017

The petitioners No.2 to 10 who are members of petitioner No.1 claim to be vending outside Gate No.1, Palika Bazaar, New Delhi. The complaint of the petitioners is that they are being harassed and threatened to be removed. Learned counsel for NDMC, who enters appearance on an advance copy, submits that the present petition is not maintainable as identical petitions have been filed earlier and disposed of. Copies of the orders passed in earlier writ petitions have been placed on record. It is further contended that the petitioners are not vending at the site in question. Learned counsel for the petitioner prays for protection. He submits that the rights of the petitioners would be adversely affected in case they are dispossessed for the reason that when a survey is conducted by the Town Vending Committee, in case they are not found at the site they would not be considered for grant of regular licence. Learned counsel for NDMC, on instructions, submits that the apprehension of the petitioners is unfounded as NDMC has taken a firm decision that not only people who are found vending at site but even other street vendors who have either been dispossessed or are not vending temporarily for any reason would be considered subject to their filing documents before the Town Vending Committee for grant of licence.

In view of the stand taken by NDMC, Mr.Narula, counsel for the petitioners, prays that the representation of the petitioners may be considered by the Town Vending Committee expeditiously.

Mr.Peechara, learned counsel for NDMC, further submits that the representation of the petitioners may not suffice for the reason that a form has been prescribed under the scheme.

After some hearing in the matter, present petition stands disposed of

with the following agreed terms:

- (i) The petitioner will approach the respondent NDMC to enable him to fill up the necessary form and submit necessary supporting documents;
- (ii) The Town Vending Committee will consider the representation/form of the petitioners expeditiously;
- (iii) In case a survey is conducted and the petitioner is not found squatting that by itself would not be a ground to reject the case of the petitioner, if the petitioner is able to place relevant documents on record; *and*
- (iv) The respondent shall be bound by the statement made by the counsel in Court today.

G.S.SISTANI, J.

VINOD GOEL, J.

JANUARY 31, 2017/jitender/msr