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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) No.10068/2015 & C.M. APPL. No.24664/2015

MOHD. SHAKEEL

..... Petitioner

Through: Mr. Karan Kakkar, Advocate.

versus

NORTH DELHI MUNICIPAL
CORPORATION & ANR.

.....Respondents

Through: Mr. Vikas Chopra, Advocate for R-1.
Mr. Anuj Aggarwal, Advocate for
respondent No.2.

+ W.P.(C) No.10069/2015 & C.M. APPL. No.24667/2015

KAMAL KUMAR

..... Petitioner

Through: Mr. Karan Kakkar, Advocate.

versus

NORTH DELHI MUNICIPAL
CORPORATION & ANR.

.....Respondents

Through: Mr. Vikas Chopra, Advocate for R-1.
Mr. Anuj Aggarwal, Advocate for
respondent No.2.

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+ W.P.(C) No.10070/2015 & C.M. APPL. No.24670/2015

BECHAN Petitioner
Through: Mr. Karan Kakkar, Advocate.
versus

NORTH DELHI MUNICIPAL
CORPORATION & ANR. Respondents
Through: Mr. Vikas Chopra, Advocate for R-1.
Mr. Anuj Aggarwal, Advocate for
respondent No.2.

+ W.P.(C) No.10079/2015 & C.M. APPL. No.24685/2015

DINESH SAH Petitioner
Through: Mr. Karan Kakkar, Advocate.
versus

NORTH DELHI MUNICIPAL
CORPORATION & ANR. Respondents
Through: Mr. Vikas Chopra, Advocate for R-1.
Mr. Anuj Aggarwal, Advocate for
respondent No.2.

+ W.P.(C) No.10080/2015 & C.M. APPL. No.24688/2015

VINOD KUMAR Petitioner
Through: Mr. Karan Kakkar, Advocate.
versus

NORTH DELHI MUNICIPAL
CORPORATION & ANR. Respondents
Through: Mr. Vikas Chopra, Advocate for R-1.
Mr. Anuj Aggarwal, Advocate for
respondent No.2.

+ W.P.(C) No.10081/2015 & C.M. APPL. No.24691/2015

SHYAM KUMAR Petitioner

Through: Mr. Karan Kakkar, Advocate.

versus

NORTH DELHI MUNICIPAL
CORPORATION & ANR.

.....Respondents

Through: Mr. Vikas Chopra, Advocate for R-1.
Mr. Anuj Aggarwal, Advocate for
respondent No.2.

+ W.P.(C) No.10082/2015 & C.M. APPL. No.24694/2015

ANAND KUMAR Petitioner

Through: Mr. Karan Kakkar, Advocate.

versus

NORTH DELHI MUNICIPAL
CORPORATION & ANR.

.....Respondents

Through: Mr. Vikas Chopra, Advocate for R-1.
Mr. Anuj Aggarwal, Advocate for
respondent No.2.

+ W.P.(C) No.10083/2015 & C.M. APPL. No.24697/2015

MADAN MISHRA Petitioner

Through: Mr. Karan Kakkar, Advocate.

versus

NORTH DELHI MUNICIPAL
CORPORATION & ANR.

.....Respondents

Through: Mr. Vikas Chopra, Advocate for R-1.
Mr. Anuj Aggarwal, Advocate for
respondent No.2.

+ W.P.(C) No.10084/2015 & C.M. APPL. No.24700/2015

RAM DEV Petitioner

Through: Mr. Karan Kakkar, Advocate.

versus

NORTH DELHI MUNICIPAL
CORPORATION & ANR.

..... Respondents

Through: Mr. Vikas Chopra, Advocate for R-1.
Mr. Anuj Aggarwal, Advocate for
respondent No.2.

+ W.P.(C) No.10100/2015 & C.M. APPL. No.24753/2015

MUNI RAM Petitioner

Through: Mr. Karan Kakkar, Advocate.

versus

NORTH DELHI MUNICIPAL
CORPORATION & ANR.

..... Respondents

Through: Mr. Vikas Chopra, Advocate for R-1.
Mr. Anuj Aggarwal, Advocate for
respondent No.2.

+ W.P.(C) No.10101/2015 & C.M. APPL. No.24756/2015

NARESH KUMAR Petitioner

Through: Mr. Karan Kakkar, Advocate.

versus

NORTH DELHI MUNICIPAL
CORPORATION & ANR.

..... Respondents

Through: Mr. Vikas Chopra, Advocate for R-1.
Mr. Anuj Aggarwal, Advocate for
respondent No.2.

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+ W.P.(C) No.10102/2015 & C.M. APPL. No.24759/2015

RAM CHANDER Petitioner

Through: Mr. Karan Kakkar, Advocate.

versus

NORTH DELHI MUNICIPAL
CORPORATION & ANR.

.....Respondents

Through: Mr. Vikas Chopra, Advocate for R-1.
Mr. Anuj Aggarwal, Advocate for
respondent No.2.

+ W.P.(C) No.10103/2015 & C.M. APPL. No.24762/2015

VINOD KUMAR Petitioner

Through: Mr. Karan Kakkar, Advocate.

versus

NORTH DELHI MUNICIPAL
CORPORATION & ANR.

.....Respondents

Through: Mr. Vikas Chopra, Advocate for R-1.
Mr. Anuj Aggarwal, Advocate for
respondent No.2.

+ W.P.(C) No.10104/2015 & C.M. APPL. No.24767/2015

JAGDISH CHAND GAUR Petitioner

Through: Mr. Karan Kakkar, Advocate.

versus

NORTH DELHI MUNICIPAL
CORPORATION & ANR.

.....Respondents

Through: Mr. Vikas Chopra, Advocate for R-1.
Mr. Anuj Aggarwal, Advocate for
respondent No.2.

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CORAM:
HON'BLE MR. JUSTICE V.P.VAISH

ORDER
05.11.2015

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1. By way of present petitions, the petitioners seek directions to respondents to grant Tehbazari License and also to prohibit the respondents from obstructing or disturbing the petitioners from their squatting sites.
2. Since all the petitions involve a similar question of law, they are being taken up together for disposal.
3. Mr. Vikas Chopra, Advocate enters appearance on behalf of respondent No.1 on advance notice.
4. Mr. Anuj Aggarwal, Advocate enters appearance on behalf of respondent No.2 on advance notice.
5. Learned counsel for the petitioners contends that the petitioners have been squatting at the present place for quite long. On 17.10.2015, the officers of the respondent came to the vending site of the petitioner and threatened to evict the petitioner from the same. With the intervention of the local vendors, the officers left but threatened to come again in a day or so to evict the petitioners.
6. Learned counsel for the petitioners submit that the petitioners are not being granted the Tehbazari licence on permanent basis and are being

discriminated by the respondents. He has relied upon the judgment of the Supreme Court in '**Maharashtra Ekta Hawkers Union and Another v. Municipal Corporation, Greater Mumbai and Anr.**', 2014(1) SCC 490 and states that in terms of the law laid down in the said judgment, the petitioners who are Street Vendors since long should be allowed to operate till the exercise of registration and creation of vending/hawking zones is completed in terms of the 2009 policy.

7. Learned counsel for the petitioners further submits that till date, the Town Vending Committee has not been constituted by the respondent No.1 despite various orders of this Court.

8. Undoubtedly, there has been a delay on the part of the Government of National Capital Territory of Delhi in establishing the Town Vending Committee for the reasons best known to them. Obviously, the delay in framing the scheme, constituting the Town Vending Committee is to the benefit of the persons claiming to be street vendors inasmuch as taking advantage of Section 3(3) of the Street Vendors Act, they continue to street vend from wherever they desire, which they may not be entitled to, once the survey as required has been conducted and pursuant to which only some persons would be accommodated in the vending zones to be identified.

9. However, till the Town Vending Committee is constituted, this Court cannot issue directions of any nature granting Tehbazari licence to the petitioners or prohibiting the respondents from obstructing or disturbing the petitioners from squatting from their squatting sites. This Court needs to be satisfied about exact status of the petitioners such as: -

- (a) Whether the petitioners have actually been squatting from the site which they claim to be squatting from,
- (b) Whether the said squatting is an obstruction to free movement on the streets/pavements of the pedestrians and/or vehicles,
- (c) How many other street vendors are vending from the said site or in vicinity thereof and if it is not possible to accommodate all of them, which one of them should have priority,
- (d) Whether such street vending poses any security threat or any other hazard,
- (e) Whether such street vending is in infringement of the rights of any other person's residence or commercial establishment adjacent to the said street, etc.

10. This Court is further of the view that ascertaining such questions does not fall within the jurisdiction of this Court and further getting into the

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merits of this case would be in contravention of the Street Vendors (Protection Of Livelihood And Regulation Of Street Vending) Act, 2014 as other authorities have already been appointed to adjudicate upon the same. Passing any direction in this regard would tantamount to a situation that would be detrimental to the respondents as it would take away the jurisdiction of the said authorities to resolve such disputes. Protection under Section 3(3) of the Act has already been provided to the petitioner which reads as under:

“Section 3 - Survey of street vendors and protection from eviction or relocation

(1) The Town Vending Committee shall, within such period and in such manner as may be specified in the scheme, conduct a survey of all existing street vendors, within the area under its jurisdiction, and subsequent survey shall be carried out at least once in every five years.

(2) The Town Vending Committee shall ensure that all existing street vendors, identified in the survey, are accommodated in the vending zones subject to a norm conforming to two and half per cent. of the population of the ward or zone or town or city, as the case may be, in accordance with the plan for street vending and the holding capacity of the vending zones.

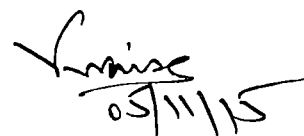
(3) No street vendor shall be evicted or, as the case may be, relocated till the survey specified under sub-section (1) has been completed and the certificate of vending is issued to all street vendors.”

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11. In view of the provisions of sub-section 3 of Section 3 of the Street Vendors Act, it is evidently clear that the protection is afforded to the street vendors. The municipal authorities and the police is expected to abide by the law of the land and no directions need to be issued in this regard. Similar observations were made by this Court in '**Rajnesh v. South Delhi Municipal Corporation and other connected matters**', *W.P.(C) No.6694/2015 decided on 11.08.2015* and '**Brahm Pal v. New Delhi Municipal Council & Anr. and other connected matters**', *W.P.(C) No. 6115/2015 and others decided on 30.06.2015*.

12. In view of the aforesaid observations, the petitions and the applications stand disposed of.

Dasti.


05/11/15
V.P.VAISH, J

NOVEMBER 05, 2015

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