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

+ W.P.(C) 594/2016 & CM No.2420/2016 (for stay)

ANUP CHAND GUPTA

..... Petitioner

Through: Mr. N.K. Sahoo, Adv.

Versus

NEW DELHI MUNICIPAL COUNCIL & ANR ..... Respondents

Through: Mr. Sri Harsha Peechara and Mr.  
Mananjay Kumar Mishra, Advs. for  
NDMC.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

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**22.01.2016**

1. The petitioner, claiming to be street vending at Entry Gate No.1, AIIMS, Aurobindo Marg, New Delhi, has filed this petition to restrain the respondents New Delhi Municipal Council (NDMC) and Delhi Police from interfering with the vending activities of the petitioner.

2. Attention of the counsel for the petitioner has been drawn to ***Brahm Pal Vs. New Delhi Municipal Council*** MANU/DE/1942/2015 and to ***Rajnesh Vs. South Delhi Municipal Corporation*** MANU/DE/2656/2015 dealing with such petition and following which orders, several other orders have been passed.

3. The counsel for the petitioner states that the order in ***Rajnesh*** and other connected petitions was subject matter of appeals before the Division

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Bench which has vide order dated 6<sup>th</sup> November, 2015 set aside the order and remanded the petitions to the Single Judge and which are now listed on 23<sup>rd</sup> February, 2016. He states that this petition be thus also entertained.

4. What prevailed with the Division Bench was the fact that the appellants/petitioners before the Division Bench were having favourable order in their favour from the erstwhile Zonal Vending Committee as also of the Appellate Authority. It has as such been enquired, whether the petitioner herein also has any such favourable order.

5. I am informed that the petitioner has none. Though reasons are sought to be given therefor but the same are not relevant. It is stated that the petitioner then did not deem it appropriate to approach the Zonal Vending Committee / Appellate Authority under the earlier regime because he was then not being disturbed.

6. Even under the earlier regime, the petitioner, if street vending, was required to approach the Zonal Vending Committee and the factum that the petitioner did not so approach is indicative of the petitioner then not street vending and / or then being not entitled to or desirous of having street vending regularised.

7. I may in this regard mention that the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 does not give any preferential rights to those who had been found eligible for street vending under the earlier regime and the Rules thereunder have been notified recently only.

8. I am of the view that without verification, if the persons such as the petitioner herein are granted protection, the same would come in the way of the Town Vending Committee constituted under the new Act also performing its functions and would lead to chaos on the streets. Moreover, there is already protection contained in the Act and for this reason also no need for an order of the Court is felt.

9. The petition is therefore dismissed. No costs.

10. At this stage, the counsel for the petitioner states that liberty be given to the petitioner to apply to the Town Vending Committee.

11. Permission is so granted.

**RAJIV SAHAI ENDLAW, J.**

**JANUARY 22, 2016**

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