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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 2073/2016 & CM No.8914/2016 (for directions)
AARTI Petitioner

Through: Mr. R.N. Singh, Adv.

Versus

NEW DELHI MUNICIPAL COUNCIL & ANR Respondents

Through: Ms. Kanika Singh with Mr. Manajay
Mishra & Mr. Harsh Peechara, Advs. for
R-1.

Ms. Shilpa Dewan, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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08.04.2016

1. This order is in continuation of the earlier order dated 11th March, 2016.
2. The counsel for the petitioner in terms thereof has filed a list of eligible vendors and in which the name of the husband of the petitioner figures.
3. The counsel for the respondent no.1 New Delhi Municipal Council (NDMC) appearing on advance notice rightly points out that the inclusion of the name of the husband of the petitioner in the list prepared of eligible vendors entitled to participate in the lottery then envisaged in the year 2012 did not confer any rights on the husband of the petitioner to be inherited by the petitioner. Since then the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 has come into force and the entitlement of the petitioner to any vending site is to be determined in accordance therewith.
4. The counsel for the respondent no.1 NDMC points out that Section 5(2) of the Street Vendors Act, 2014 invoked by the petitioner is not applicable to the petitioner inasmuch as the same is relating to licenced street vendors and which admittedly neither the husband of the petitioner was nor the petitioner is.

5. The counsel for the petitioner has also drawn attention to the order dated 2nd June, 2011 in W.P.(C) No.4001/2011 earlier filed by the husband of the petitioner granting interim protection to him to continue to operate from the site till such time that the respondent NDMC implemented the Scheme of allotment of the vending sites.

6. The petitioner cannot in this petition complain of the non compliance of the order in an earlier proceeding and the remedy therefor is by filing a contempt petition. Else, it may be stated that since then, the Street Vendors Act, 2014 has come into force and the respondent NDMC is now in the process of implementation thereof and grant of any orders by this Court at this stage shall interfere in the identification and allocation of street vending sites.

7. Thus for detailed reasons given by me in i) order dated 16th February, 2016 in W.P.(C) No.1215/2016 titled ***Mahesh Kumar Vs. NDMC***, ii) order dated 19th February, 2016 in W.P.(C) No.1415/2016 titled ***Akhilesh Kumar Vs. New Delhi Municipal Council*** and iii) order dated 14th March, 2016 in W.P.(C) No.2172/2016 titled ***Suresh Babu Vs. New Delhi Municipal Council***, the petition is disposed of with liberty to the petitioner to approach the Town Vending Committee.

RAJIV SAHAI ENDLAW, J

APRIL 08, 2016

‘gsr’..