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

+ W.P.(C) 4688/2016 & CM No.19555/2016 (for interim relief)

RAM PRAKASH GUPTA

..... Petitioner

Through: Mr. Satish Kumar Tripathi and Mr.
Amit Kumar, Advs.

Versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

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

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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20.05.2016

1. The petition seeks a direction to the respondent New Delhi Municipal Council (NDMC) to allow the petitioner to carry on his business as a fruit vendor or vend any other permissible item from a fixed site near Gate No.2, Palika Bazar, New Delhi, "as he used to be doing" or from some other place.
2. The counsel for the petitioner has drawn attention to the licence dated 20th June, 2014 granted to the petitioner under Section 330 of the NDMC Act, 1994 at page 10 of the paper book.
3. However a perusal of the licence shows the same to be valid till 31st March, 2017 and being to hawk on cycle uncut fruits with "fixed site not allowed".
4. The counsel for the petitioner has argued that since the petitioner is old and is unable to hawk uncut fruits on cycle, he be allotted a fixed site.
5. The allotment of fixed site for hawking / street vending is now governed by the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and which process is underway. This Court cannot, at this stage, grant any order which would interfere with the

statutory exercise under the said Act.

6. The counsel for the petitioner then states that the petitioner be allotted a fixed site till any allotments are made by the Town Vending Committee under the said Act.

7. I may in this regard notice that the respondent NDMC, for security reasons, had recently undertaken an exercise of removal of all street vendors around Palika Bazar and Regal Cinema Building and the petitions preferred thereagainst have already been dismissed. If the petitioner, as claimed, used to vend uncut fruits near Gate No.2, Palika Bazar, the same was in contravention of the conditions imposed in the licence dated 20th June, 2014 and would entail cancellation of the licence on this ground alone.

8. These are administrative matters over which the Courts cannot interfere, inasmuch as, besides the street vendors, other citizens have a right over the street and the policy of the Government / Governmental Agencies in this regard cannot be interfered with on sympathetic grounds.

9. The counsel for the petitioner states that the respondent NDMC be directed to consider the representation of the petitioner in this regard.

10. All that can be observed is that the dismissal of this petition would not come in the way of the respondent NDMC, if it is of the opinion that the petitioner can be permitted to vend uncut fruits from any fixed site anywhere in Delhi, permitting so.

11. Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J.

MAY 20, 2016/bs..
W.P.(C) 4688/2016