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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 8706/2017

VINOD KUMAR

..... Petitioner

Through: Mr. Abhishek Kakkar, Advocate

versus

NORTH DELHI MUNICIPAL CORPORATION OF DELHI AND
ORS.

..... Respondents

Through: Mr. Tushar Sannu, Advocate for
respondent No.1

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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12.10.2017

This is a petition under Article 226 of the Constitution of India. The petitioner seeks a direction to the respondents to release his food cart and other goods and a further direction restraining the respondents from obstructing the petitioner from carrying out his vending activities. The petitioner claims that since the year 2005, he is vending/squatting in the area of DDA Gulabi Market, Ashok Vihar, Phase-2, Delhi and is running his business with the name and style of 'Vinod Chat Bhandar.'

The complaint of the petitioner is that the officials of the respondents, along with police officials, removed his food cart on 6.9.2017. Reliance is placed on Section 3(3) of the Street Vendors (Protection of Livelihood and Regulations of Street Vending Act), 2014 ['Act' for short]. Time was sought by the learned counsels for the respondents to seek instructions. Today, it is submitted that the petitioner is not an authorised street vendor. Only four challans have

been placed on record which pertain to the Health Department and thus no right would accrue in favour of the petitioner under Section 3(3) of the Act. He further submits that the petitioner has been removed on account of various complaints received from public representatives with regard to the quality of the food, which is being sold by the petitioner.

Learned counsel for the petitioner, without admitting that the petitioner is selling substandard food, submits that at this stage the petitioner would be satisfied if a direction is issued for return of the food cart. He further submits that the petitioner is willing to give an undertaking to the respondents that he would address the complaints, which have been received by the Department, although no copies have been supplied to him.

Accordingly, with the consent of parties, the present writ petition is disposed of with the following agreed direction:

- i) On an appropriate application made by the petitioner, the food cart shall be released to him within three days, in accordance with law.

The writ petition is disposed of.

CM No.35699/2017

The application is disposed of.

Dasti.

G.S.SISTANI, J

CHANDER SHEKHAR, J

OCTOBER 12, 2017/tp