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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1904/2017**

KHURSHIDA PARVEEN Petitioner

Through: Mr.Alamgir, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through: Ms.Reema Khorana and Mr.Kartik
Rathi, Advocates for respondent
no.1/SDMC.

Mr.Sachin Nahar, Advocate for
respondent nos.2 & 3.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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19.02.2018

1. This is a petition under Article 226 of the Constitution of India filed by the petitioner. Counsel for the petitioner submits that the petitioner is a handicapped woman and she is squatting from Gate No.1 near Metro Station, Nehru Place, New Delhi. Under fear of being dispossessed, she has filed the present writ petition seeking a direction that the respondent be restrained from harassing her and a writ of mandamus seeking a direction to the respondent to allow her to vend at the site in question.
2. Two status reports have been filed. Mrs.Khorana, counsel for respondent no.1 submits that area in question is extremely crowded. She submits that a communication dated 20.09.2016 was received from Assistant Manager (Operations), Delhi Metro Rail

Corporation Ltd. (in short 'DMRC'), Line-6 (North), informing the Municipal Corporation of Delhi (in short 'MCD') that there is blockage of entry/exit of metro station by hawkers, vendors and beggars and for this reason it has been observed that commuters are facing an issue i.e. blockage of entry/exit of metro station. It was further brought into the notice of the MCD that for the aforesaid reason they are creating a problem in the smooth movement of passenger services. Mrs.Khorana further submits that pursuant to the aforesaid communication the Sub Divisional Magistrate (in short 'SDM') had issued a notice 18.01.2017 and directed the MCD to remove the encroachers, vendors/hawkers, rickshaw pullers and auto rickshaws which are illegally occupying the place at Nehru Place metro station.

3. Counsel for the petitioner submits that action of the respondent is not uniform and the petitioner has been singled out which is disputed by counsel for respondent/MCD.
4. We have heard the counsels for the parties.
5. We may note that the rules of the Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 have been notified on 10.01.2018 and it is expected that the Town Vending Committee (in short 'TVC') would be put into place shortly.
6. The grievance of the petitioner is that she is being singled out while other street-vendors are being allowed to vend.
7. We have examined the letter dated 20.09.2016 issued by the Assistant Manager (Operations), DMRC. Reading of the letter

dated 20.09.2016 would show that the petitioner has been removed at the behest of the DMRC on the ground that exit and entry points of the Metro Station was being blocked. We have also examined the order dated 30.12.2016 issued by the SDM. We find no infirmity in the order passed by the SDM for the reason that the petitioner and other street vendors who have been removed cannot be allowed to block the entry and exit gates of the Metro Station. Keeping in view the fact that the name of the petitioner does not find mentioned in either of the list prepared by the MCD/Chopra Committee. The petitioner cannot be termed as a regular street-vendor.

8. While we find no grounds to entertain this petition, we direct the MCD to take uniform action and ensure that there is no obstruction to free movement of pedestrians.
9. Leave is granted to the petitioner to approach the TVC as and when it is constituted with supporting documents and merely because the petitioner may not be found vending at the site shall not be a ground alone to reject his case.
10. In view of above, the writ petition is disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

FEBRUARY 19, 2018

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