

\$~1, 4, 15, 17 & 18

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

% *Date of Judgment: 24th April, 2018*

- 1
+ W.P.(C) 1873/2018 & C.M.7782/2018
NAFISA BEGUM Petitioner
versus
SOUTH DELHI MUNICIPAL CORPORATION (SDMC) & ORS
..... Respondents
- 4
+ W.P.(C) 10206/2017
DWARKA SECTOR 6 VENDORS ASSOCIATION Petitioner
versus
DELHI DEVELOPMENT AUTHORITY AND ANR. ... Respondents
- 15
+ W.P.(C) 4818/2016, C.M.Nos.20093/2016 & 28458/2016
JANODAYA EKTA SAMITI (REGD.) Petitioner
versus
GOVERNMENT OF NCT OF DELHI AND ORS. Respondents
- 17
+ W.P.(C) 8042/2016, C.M.Nos.33341/2016, 34847/2016, 45806/2016,
36086/2016 & 38104/2016
AJAY MAKEN Petitioner
versus
COMMISSIONER OF POLICE & ORS. Respondents
- 18
+ W.P.(C) 1711/2017
AJAY MAKEN Petitioner
versus
GOVERNMENT OF NCT OF DELHI Respondent

Present: Mr.Rajat Malhotra and Ms.Veera Mehra, Advocates for the petitioner in item no.1.
Mr.Ashish Tanwar, Adv. for SDMC/R-1 in item no.1
Mr.Devesh Singh, ASC (Civil), GNCTD/Delhi Police in Items no.1,15, 17 & 18.
Insp.Pankaj Malik, SHO, Lajpat Nagar and SI Amit Dutt in item no.17.
Mr.Sumit Singh, Advocate for the petitioner in item no.4.
Mr.Arjun Mahajan, standing counsel with Mr.Suhail Buttan, Adv. for DDA in item no.4.
Mr.Ramesh Kr.Mishra, Adv. for the petitioner in item no.15.
Ms.Shubhra Parashar and Mr.V.P.S.Charak, Advts. for SDMC/R-2 in item no.15.
Mr.Mukesh Gupta, standing counsel with Ms.Shashi Gupta, Adv.for North DMC in item no.15.
Mr.Pravesh Thakur, Adv. for EDMC in item no.15.
Ms.Biji Rajesh, proxy counsel for Mr.Gaurang Kanth, Adv. for SDMC in item no.17.
Mr.Mudit Gupta, Mr.Aman Panwar and Mr.Sangam Kumar, Advts. for the petitioner in items no.17 & 18.
Mr.Sriharsha Peechara, and Mr.Mananjay Mishra, Advts. for NDMC in items no.15, 17 & 18.
Mr.Pravesh Kumar, Adv. for East DMC in item no.15.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (ORAL)

1. All these writ petitions were filed primarily laying challenge to the Delhi Street Vendors (Protection of Livelihood & Regulation of Street Vending) Rules, 2016.
2. After much deliberation in Court, it was agreed that the street vendors would give suggestions to the Delhi Government as the Delhi Government was already in the process of reframing the Rules. With

the active cooperation of the learned counsels including Mr. Devesh Singh, Standing Counsel for the Government of NCT of Delhi, most of the suggestions on behalf of the street vendors were incorporated and rules were notified on 10.01.2018. Thereafter, all the Corporations have issued public notices calling upon street vendors to furnish documents to enable the corporations to prepare the electoral rolls.

3. We may also note that a Writ Petition bearing W.P.(C) 3901/2018 was filed by two Unions bringing to the notice of the Court the unreasonable time fixed by the North Delhi Municipal Corporation (10 days) for submission of documents by the street vendors. Having regard to the fact that some of the street vendors, who belong to the lower strata of society, are illiterate and would learn about the public advertisements through word of mouth, this Court was of the view that 10 days time was highly insufficient and the North Delhi Municipal Corporation was directed to give 30 days time to the street vendors to submit their documents. In the concluding para of the order this Court observed that the South Delhi Municipal Corporation, the East Delhi Municipal Corporation and North Delhi Municipal Corporation would also consider granting of 30 days time to the street vendors to furnish documents and proper receipts would be issued to the street vendors.
4. We reiterate the request, which we made while disposing of W.P.(C) 3901/2018. Learned counsels, who are present today in Court and are representing the South Delhi Municipal Corporation and the East Delhi Municipal Corporation, fairly submit that they would prevail upon the Corporations to ensure that 30 days time is granted to the street vendors to furnish documents and render receipts to the street vendors as well.

The assurance which is made in the Court, in our view, will go a long way into saving cost, Court's time and for achieving the objectives of the Delhi Street Vendors (Protection of Livelihood & Regulation of Street Vending) Rules, 2017 and for the formulation of the Town Vending Committees, which is an urgent requirement.

5. Learned counsels for the parties are in agreement that the W.P.(C) 6622/2015 may be kept pending while the present writ petitions may be disposed of at this stage as they are not pressing any other challenge in the present writ petitions as their endeavour is to ensure that the TVCs should become functional at the earliest. They pray that liberty may be granted to the petitioners to approach this Court, if necessity so arises.
6. Learned counsel appearing in W.P.(C) 8042/2016 submits that this writ petition would stand covered by the judgment rendered by this court in the case of W.P.(C) 2556/2015 titled as *Vyapari Kalyan Mandal Main Pushpa & Another vs. South Delhi Municipal Corporation & others* and no further orders are called for in this writ petition.
7. Mr.Gupta, learned counsel appearing for the North Delhi Municipal Corporation in W.P.(C) 4818/2016 submits that the inputs given by the North Delhi Municipal Corporation at the time of reframing of the rules have not yet been considered by the Delhi Government and for which they would approach the Delhi Government and pray that a direction be issued to the Delhi Government to consider their submissions.
8. With the above observations, the writ petitions, as prayed, are disposed of with liberty as prayed for.

C.M.7782/2018 in W.P.(C) 1873/2018

C.M.Nos.20093/2016 & 28458/2016 in W.P.(C) 4818/2016

C.M.Nos.33341/2016, 34847/2016, 45806/2016, 36086/2016 & 38104/2016
in W.P.(C) 8042/2016

The applications stand disposed of, in view of the order passed in the writ petitions.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

APRIL 24, 2018

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