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

+ **W.P.(C) 4044/2019, C.M. APPL.18273/2019 (for stay)**

HAWKERS JOINT ACTION COMMITTEE & ORS..... Petitioners

Through : Mr. Ramesh Kumar Mishra and Mr.
Mithilesh Kumar Jaiswal, Advocates, for
petitioner.

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through : Ms. Mini Pushkarna, Standing Counsel
with Ms. Shiva Pandey, Ms. Swagata Bhuyan,
Advocates, for Nr. DMC in W.P.(C) 4044/2019.

Ms. Puja Kalra, Standing Counsel and Mr. Virendra
Singh, Advocate, for respondents No.1 and 2 in
W.P.(C) 4044/2019.

Mr. Hem Kumar, Advocate, for respondent No.3.

Mr. Sri Harsha Peechara, ASC with Mr. Aditya
Vikram Singh and Ms. Kriti Sinha, Advocates, for
NDMC.

Mr. Hemant Kumar, LI, Karol Bagh Zone, in
W.P.(C) 4044/2019.

AND

+ **W.P.(C) 6622/2015, C.M. APPL.12079/2015 (for direction),
32989/2016 (for impleadment) & 33120/2016 (for stay)**

JANODAYA EKTA SAMITI (REGD.)

..... Petitioner

Through : Mr. Ramesh Kumar Mishra and Mr.
Mithilesh Kumar Jaiswal, Advocates, for
petitioner.

W.P.(C) 4044/2019 and connected matter

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been compared and the digital data is as per
the physical file and no page is missing.

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versus

GOVT. OF NCT OF DELHI AND ORS Respondents
Through : Ms. Sukriti Ghai, proxy counsel, for Mr.
Devesh Singh, ASC (Civil), GNCTD.
Ms. Mini Pushkarna, Standing Counsel.
Mr. Sri Harsha Peechara, ASC with Mr. Mananjay
Mishra and Ms. Kriti Sinha, Advocates, for NDMC.
Ms. Eshita Baruah, for Mr. Gaurang Kanth,
Advocate, for EDMC.
Mr. Sunny Arora, Advocate, for applicant in C.M.
Appl.32989/2016.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE ASHA MENON

ORDER
22.07.2019

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1. The petitioner in W.P.(C) 6622/2015 seeks direction that implementation of the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 ('the Act') by the local authorities be monitored by the Court to ensure that the authorities act in accordance with law.
 2. The present petition was filed in the year 2015. Much water has flown under the bridge ever since. The Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 ('the Rules') have been notified on 10.01.2018 and the Scheme contemplated under the Act has been notified on 15.04.2019. We are informed that the Town Vending Committees (TVCs) of each of the four local authorities, i.e. the North Delhi
- W.P.(C) 4044/2019 and connected matter*

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Municipal Corporation (Nr.DMC), East Delhi Municipal Corporation (EDMC), South Delhi Municipal Corporation (SDMC) and New Delhi Municipal Council (NDMC) are in place. Mr. Sri Harsha Peechara, learned counsel for the respondent/NDMC states that there are two vacancies in the TVC of the NDMC, which shall soon be filled in by conducting a bye-election within six weeks. We are informed by learned counsel for the respondents that all the TVCs are going to hold their first meeting in the month of July 2019 itself.

3. The first requirement under the Act is for the local authorities to prepare a plan, permitting the vocation of street vendors in consultation with the planning authority and on the recommendations of the TVCs. Till the TVCs make the recommendations, the local authorities cannot prepare a plan to permit vocation of street vendors covering matters contained in the First Schedule. Therefore, priority of the TVCs and the local authorities must be to prepare the said plan. Contemporaneously, Section 3 of the Act requires the TVCs to conduct a survey of all existing street vendors within their respective jurisdictions once in five years, in the manner specified in the Scheme.

4. In view of the aforesaid Statute, the Rules and the Scheme framed thereunder and the fact that the TVCs are in place, it is deemed appropriate to dispose of the present petitions. Learned counsel for the respondents assure the Court that the local authorities shall adhere to the Act, Rules and the Scheme. Therefore no need is felt for this Court to continue monitoring the implementation of the Act by the authorities.

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5. Prayer (A) in W.P.(C) 4044/2019 is materially the same as the prayer in W.P.(C) 6622/2015 and calls for no separate orders besides those recorded above.
6. Coming next to prayers (B) and (C) in W.P.(C) 4044/2019, we have read the order dated 16.04.2019 passed by the predecessor Bench, wherein it was observed that the writ petitioners have neither given any details of the street vendors occupying the areas, nor any specific dates or supporting documents been provided in support of their contention that they have been illegally removed. The Court went to the extent of observing that there cannot be any blanket orders passed, of the nature prayed for. We reiterate the said observations while disposing of these petitions. No such omnibus prayers as made herein can be entertained. In case of violation of any specific order, the aggrieved party is at liberty to seek its remedies in accordance with law.
7. The writ petitions are disposed of along with the pending applications.



HIMA KOHLI, J


ASHA MENON, J

JULY 22, 2019
ajk/rkb