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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision : 28th September, 2021

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W.P.(C) 11020/2021

DHARMENDER SHARMA

..... Petitioner

Through: Petitioner in person

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through: Mr. Sri Harsha Peechara &
Ms. Kritika Narayan, Advocates

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

: D. N. PATEL, Chief Justice (Oral)

CM APPLs.33961-33962/2021 (exemptions)

Allowed, subject to all just exceptions.

The applications are disposed of.

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1. Present Public Interest Litigation has been filed seeking the following reliefs:-

“(i) To issue a writ, order or direction in the nature of mandamus, directing respondent for the Approval Of Letter Of Recommendation Under PM Street Vendor's Atmanirbhar Nidhi Scheme To Avail The Facilities Of Loan Of Rupees 10,000/- To The Affected Vendors Who Had Been Surveyed In 2007 Scheme And Found In The List Of Eligible Vendors Of 3700 Prepared By The Respondent And Who Had Been Issued

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Signature Not Verified

AMIT NARAYAN
BHARTHUAR
Location:
Signing Date: 13.10.2021
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A Slip Of Rupees 100/- and also comes in the criteria of PM Svanidhi Scheme.

(ii) To issue any other appropriate writ, order or direction which this Hon'ble Court deems just and proper, in the facts and circumstances of the present matter.

(iii) The costs of the writ petition may also be awarded in favour of the Petitioners.”

2. We have heard the Petitioner, who appears in person and the learned counsel appearing on behalf of the Respondent.

3. Petitioner has filed the present petition on behalf of a few street vendors who, according to the petitioner, had been surveyed under the 2007 Scheme and had been issued a slip of Rs.100/- and are claimed to be identically placed with other vendors who have been issued a Letter of Recommendation for availing the facility of loan of Rs.10,000/- under the PM Street Vendor's AtmaNirbhar Nidhi Scheme (PM SVANidhi Scheme).

4. Petitioner, who appears in person, submits that in order to help the street vendors, who had a small capital base and were severely affected by Pandemic Covid-19, in resuming the business, the PM SVANidhi Scheme was started to enable them to avail the benefit of a loan of Rs.10,000/-. As per Clause 4 of the Scheme, eligible vendors, insofar as it is relevant to the present case, were identified on the basis of the following criteria :

(a). Street vendors in possession of Certificate of Vending / Identity Card issued by Urban Local Bodies; and

(b). Vendors who have been surveyed in the year 2007 by NDMC and identified by issuing a slip of Rs.100/-.

5. Petitioner further contends that the NDMC has prepared a list of 3700 sitting / working street vendors of Babu Market and Sarojini Nagar Market, who have been issued a slip of Rs.100/- and were surveyed under the 2007 Scheme. The list is appended as Annexure-6 to the present petition and it is the claim of the Petitioner that out of a list of 3700, NDMC has approved the Letters of Recommendations with respect to 991 Members as on 01.06.2021. The affected street vendors, who have been left out, have made several representations to the NDMC, however, Letters of Recommendation have not been issued in their favour, as a result of which the said street vendors have been unable to avail the loan facility under the Scheme.

6. We have perused the writ petition and we find that the pleadings are completely vague. There is no averment as to who are the affected street vendors, who were surveyed under the 2007 Scheme and possessed the slips of Rs.100/-. A rather vague averment has been made that 991 LORs have been issued, as indicated in the RTI reply. There are no details of the left out street vendors, if any. Even the representations annexed to the writ petition do not disclose the details of the street vendors whom the Petitioner seeks to represent. In the absence of proper details and particulars of the beneficiaries, it is not possible for this Court to pass a blanket order and grant relief, as sought for by the Petitioner. None of the affected street vendors is a party in the present petition, which has been filed by the Petitioner, who is a practising advocate. We also find that the Petitioner has not annexed either the proof of slips of Rs.100/- in favour of the street vendors or even the challans to evidence the vending activity.

7. In our view, therefore the present petition cannot be entertained in the present form. The representations placed on record by the Petitioner are equally vague, disclosing no particulars of the street vendors who intend to seek the benefit of the Scheme and thus, no purpose will be served in directing the Respondent to decide the said representation. We, however, grant liberty to the Petitioner to file a fresh representation with better particulars of the vendors who desire to avail the loan facility under the Scheme. Needless to state that as and when a representation shall be filed by the Petitioner or any individual street vendor, the same shall be decided by the Respondent in accordance with law and after verifying the eligibility of the concerned street vendor(s).

8. The writ petition is disposed of, in the aforesaid terms.

CHIEF JUSTICE

JYOTI SINGH, J

SEPTEMBER 28, 2021

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