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

+ W.P.(C) 10787/2019 & CM APPL.44553/2019

JANODAYA EKTA SAMITI & ORS Petitioners

Through: Mr. Ramesh Kr. Mishra, Advocate

versus

GOVT. OF NCT OF DELHI Respondent

Through: None

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Date of Decision: 15th December, 2022

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

MANMOHAN, J:

1. Present writ petition has been filed seeking quashing of the notification dated 17th September, 2019 constituting Town Vending Committees (for short 'TVCs') in North Delhi Municipal Corporation (NDMC), South Delhi Municipal Corporation (SDMC) and East Delhi Municipal Corporation (EDMC).

2. Learned counsel for the petitioners states that the petitioners herein are NGOs / Associations of street vendors who are aggrieved by their removal from the membership of TVCs as non-government organization members or Associations of Street Vendor Members. He states that the petitioners were nominated as members of the various TVCs constituted by

the Government of NCT of Delhi under the provisions of Street Vendors Act (Protection of Livelihood and Regulation of Street Vending) Act, 2014 vide notification dated 14th September, 2018. He contends that the constitution of the TVCs was for the purpose of the survey and identification of the street vendors, which was to be done in six months as per Rule 13 of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017. He, however, states that no survey of the street vendors was carried out by the said Committees.

3. He further states that vide another notification dated 17th September, 2019, the TVCs were reconstituted and the petitioners were removed from their membership without giving any reason or any notice or any opportunity of hearing to the petitioners.

4. Learned counsel for the petitioner submits that the petitioners could not have been removed without following the procedure prescribed in Rule 16 of the Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017.

5. This Court is of the view that the petitioners have only a right to be considered for nomination to the TVCs, but they have no legal or vested right to be nominated as members of TVCs.

6. Further having been nominated once to the TVCs would not mean that the petitioners have a fundamental or legal right to continue to be re-nominated as members of the TVCs in perpetuity. The Government is well within its right to re-constitute TVCs. The tendency to get nomination through Court proceeding needs to be and is depreciated.

7. In the opinion of this Court, Rule 16 of the Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 has

no application to the facts of the present case as the TVCs have been reconstituted. It is not a case of removal of members from the TVC.

8. Further this Court during the course of the hearing had repeatedly asked the counsel for the petitioners as to whether the petitioners had cleared any examination or had been awarded for any pioneering / exemplary work or had been given any reasons for initial nomination or opportunity of hearing before being nominated to the TVCs. He only states that the petitioners had been nominated to the previous TVCs. The reasons for initial nomination of the petitioners to the TVCs is not apparent from the writ petition.

9. There is also no allegation in the writ petition that the newly nominated members are either not qualified or have been appointed for extraneous reasons. There is no allegation of bias against any particular official. In fact, none of the newly nominated members to the TVCs have been arrayed as respondents to the present writ petition.

10. Consequently, the present writ petition and pending application being bereft of merit are dismissed with cost of Rs.10,000/- to be paid to Delhi High Court Legal Services Committee.

MANMOHAN, J

SAURABH BANERJEE, J

DECEMBER 15, 2022

AS