



#S-12

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 19.07.2023

+ **W.P.(C) 9290/2023**

POONAM AND OTHERS

..... Petitioners

versus

GNCTD AND OTHER

..... Respondents

Through:

For the Petitioner : Ms. Kawalpreet Kaur and Ms. Sumayya
Khatoon, Advocates.

For the Respondents: Ms. Neeru Vaid, Standing Counsel for
Respondent No. 2/MCD.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE ANISH DAYAL

J U D G M E N T

SIDDHARTH MRIDUL, J. (OPEN COURT)

1. The present writ petition under Article 226 of the Constitution of India, has been instituted on behalf of the petitioner, praying as follows:-

“a) Pass an order directing the respondents to ensure that the petitioner's Street Vendors be allowed to peacefully vend at their respective vending site i.e., at Link Road, Lal Quila, Red Fort Delhi, City-SP Zone, Ward -84-N, Delhi without any obstruction being caused by the respondent corporation and Delhi Police.

b) Pass an order directing the respondent corporation to allow the petitioners who have requisite Certificate of Vending at Annexure P-2 (colly) at pp.91-109 and The Government of National Capital Territory of Delhi Street



Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme 2019 at Annexure P-10 (colly) at pp 110-134.

c) Pass an order directing the respondent corporation to not solicit any additional amount and to not harass any street vendor who has been duly licensed to vend at the aforesaid site.

d) Pass such further order(s) and/or direction(s) as this Hon'ble Court may deem fit and proper in the interest of justice in favour of the Petitioner."

2. Issue notice.

3. Ms. Neeru Vaid, learned Standing Counsel accepts notice on behalf of the MCD/Respondent No. 2 and fairly does not oppose the present application.

4. In view of the circumstance that petitioner Nos. 2 and 3 are not similarly situated as petitioner No. 1, an application bearing No. CM APPL. 35733/2023 was moved praying for deletion of petitioner Nos. 2 and 3 from array of the parties in present petition. Accordingly, the present application is allowed and resultantly, petitioner Nos. 2 and 3 are deleted from the array of the parties. The amended Memo of Parties is taken on record.

5. Learned Standing Counsel appearing on behalf of the MCD, has handed over the terms and conditions, permitting the petitioner to vend.

6. For the sake of completeness, the said terms and conditions attached to the Certificate of Vending, are reproduced herein below:-

"1. Vendor shall not have any other permanent or long-term vending certificate.

2. Vending certificate is non-transferable.



3. It is mandatory for the vendor to follow the vending period and zone as determined by TVC or local body.
4. Vendor shall not give his vending certificate on rent in any way.
5. Vendor shall not have any infectious disease.
6. Vendor shall have to take care of hygiene on vending place/zone and nearby area and also take care of public health.
7. Vendor shall display copy of vending certificate on his place/vending site and will produce original documents to TVC/concerned inspector whenever required.
8. Vendor/Squatter shall insure that no hindrance be caused to pedestrian and vehicular moment.
9. Vendor shall not vend/sell any harmful, dangerous and polluted items. It should also be ensured that the quality of the products sold and services provided to the public conform to the prescribed standards of public health, hygienic conditions and safety.
10. The street vendor shall not do any unauthorized/illegal activity.
- 11. Mobile vendors shall not stay or vend more than 30 minutes or time prescribed by the TVC at place in a vending/squatting zone.**
12. Vendors will not block footpaths and will not vend on roads. Vendor should take care of space in front of vending stalls/counters on footpath for pedestrians.
13. Vending certificate can be cancelled or suspended on the basis of violations.
14. Vendor shall not build or construct any kind of permanent or temporary structure at vending site.
15. Seller shall adopt health and hygiene conditions as required by local laws and court orders.
16. Vendor have to follow all the conditions mentioned in Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019.”

7. In terms of the Certificate of Vending issued to the petitioner, it is clearly stipulated that he cannot vend from any particular location, contrary to the express terms of **Clause no. ‘11’**, of the said Certificate of



Vending. It is further observed that since the Town Vending Committee (TVC) is yet to fix a time limit, providing for a period, during which a vendor can vend from any particular spot, the stipulation of 30 minutes time, contained in the said clause, is binding on the petitioner, at this stage. Learned counsel appearing on behalf of the petitioner states, that he does not pray for the relief of running his business from any particular vending site, within the zone where he has been permitted to vend by the Municipal Corporation of Delhi, and further, the solitary relief that is prayed for, is to permit the petitioner to vend strictly, in accordance with the terms and conditions of the Certificate of Vending dated **07.11.2021**, issued by the Municipal Corporation of Delhi.

8. It is an admitted position that the Town Vending Committee (TVC), has in terms of the directions issued by this Court, from time to time, as well as, in terms of the mandate of **Section 3 (*Survey of street vendors and protection from eviction on relocation*)** and **Section 4 (*Issue of certificate of vending*)** of the **Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014**, carried out a survey, in some of the areas under the MCD zones; pursuant to which, **Ms. Poonam** has been issued a certificate of vending dated **07.11.2021**, **URI: 7455557**, which is annexed as **Annexure 2**, to the present writ petition.



9. In view of the foregoing, learned counsel appearing on behalf of the petitioner, categorically limits the relief in the present writ petition, to a direction to the Municipal Corporation of Delhi, to permit **Ms. Poonam** to continue to vend within **City -SP Zone, Ward-84-N**, strictly and scrupulously in compliance with the terms and conditions of the said certificate of vending, particularly **Clause no. 11**, and in accordance with law.

10. In view of the above, the present writ petition is partly allowed; and the Municipal Corporation of Delhi is directed to permit **Ms. Poonam** to continue to vend within **City-SP Zone, Ward-84-N**, subject to the terms and conditions of the said certificate of vending dated **07.11.2021**, without any let or hindrance.

11. No further directions are prayed for.

12. With the above directions, the present writ petition is disposed of accordingly. The pending applications, if any, also stand disposed of.

13. A copy of this judgment be uploaded on the website of this Court *forthwith*.

SIDDHARTH MRIDUL
(JUDGE)

ANISH DAYAL
(JUDGE)

JULY 20, 2023/MS

[*Click here to check corrigendum, if any*](#)