

#S-8

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 03.05.2023

W.P.(C) 5140/2023 & CM APPL. 20086/2023 (for interim relief)

VIJAY GUPTA

....Petitioner

Versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

....Respondents

Advocates who appeared in this case:

For the Petitioner : Ms. Shivalika, Mr. Kamlesh Kumar Mishra, Mr. Kailash Kr. Jha, Mr. Anjani Kr. Mishra, Mr. Aditya, Mr. Bibhuti Bhushan Mishra and Mr. Raghunath, Advocates.

For the Respondents: Mr. Rakesh Mittal, Standing Counsel for R-1/MCD. Mr. Mohit Bhardwaj, Advocate for R-2 & R-3.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

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:-

“I. Pass an Order directing the respondents to ensure that that the petitioner is allowed to peacefully vend on his vending site i.e on the

footpath, Near Indane Gas Godown, Opposite MCD Park, Ratia Marg, Sangam Vihar, Central Zone, Ward-S-85, Delhi without any hindrance being caused by any public official.

II. Pass an order directing the respondents, their officials, their agents etc. be restrained from harassing the petitioners from peacefully vending at their vending sites.

III. Pass an order directing the SHO, PS Sangam Vihar to ensure that the petitioner street vendor shall not be forcefully removed from his vending site.

IV. Pass an order for quashing and setting aside the terms of certificate of vending printed at the back side of the vending certificate to the extent which is not applicable to a stationery street vendor.

V. Pass any such directions or order that this Hon'ble Court deems fit and proper in the facts and circumstances of the above-mentioned case.”

2. Issue notice.
3. Mr. Rakesh Mittal, learned Standing Counsel accepts notice on behalf of the respondent No. 1/MCD and Mr. Mohit Bhardwaj, learned counsel accepts notice on behalf of the respondent Nos. 2 and 3.
4. Learned Standing Counsel appearing on behalf of the MCD, has handed-up in the Court today, the terms and conditions, permitting the petitioner to vend.
5. Let the same be taken on the record. 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.”

6. 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 NDMC zones; pursuant to which, **Mr. Vijay Gupta** has been issued a certificate of vending **dated 06.11.2021, URI: 5191714**, which is annexed as **Annexure P-2**, to the present writ petition.

7. 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 Mr. Vijay Gupta to continue to vend within **Central Zone, Ward-S-85**, strictly and scrupulously in compliance with the terms and conditions of the said certificate of vending and in accordance with law.

8. In view of the above, the present writ petition is partly allowed; and the Municipal Corporation of Delhi is directed to permit Mr. Vijay

Gupta, to vend within Central Zone, Ward-S-85, subject to the terms and conditions of the said certificate of vending dated 06.11.2021, without any let or hindrance.

9. No further directions are prayed for.

10. With the above directions, the writ petition is disposed of accordingly. The pending application also stands disposed of.

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

**SIDDHARTH MRIDUL
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

MAY 03, 2023/rs

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