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

+ W.P.(C) 5338/2023

SHIV SHANKAR GUPTA

..... Petitioner

Through: Mr. N.K. Sahoo, Advocate.

versus

MUNCIPAL CORPORATION DELHI AND ORS. Respondents

Through: Ms. Puja Kalra, Advocate with
Mr. Virendra Singh and Ms. Ruby,
Advocates for MCD.

Ms. Vaishali Gupta, Advocate for
respondent No.3.

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Date of Decision: 1st November, 2023

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE MINI PUSHKARNA

J U D G M E N T

MANMOHAN, J: (ORAL)

1. Present writ petition has been filed seeking issuance of a writ or order directing the respondents not to disturb the petitioner from squatting in front of Shop No. F-10, Kamla Nagar, Police Station Roop Nagar, New Delhi-110007 till Section 21 of the Street Vendors Act, 2014 is enforced.

2. Vide order dated 26th April, 2023, the present writ petition was partly allowed and disposed of with directions to permit the petitioner to vend at Keshav Puram, Ward 78-N, subject to the terms and conditions of the



Certificate of Vending (CoV) dated 7th November, 2021 with URI ID:1435319 issued to the petitioner, without let or hindrance. The said order dated 26th April, 2023 is reproduced herein below:-

“The present petition has been instituted by the petitioner, under Article 226 of the Constitution of India, 1950, praying as follows: -

“(I) To issue a writ of mandamus or appropriate writ or direction or order directing the respondent not to disturb the petitioner for squatting in front of :- Shop No. F-10, Kamla Nagar, Ps. Roop Nagar, Delhi-7 till Section 21 of street vendors Act, 2014 being enforced and vending fees being collected under section 8 of the street vendors Act, 2014.

(II) And to pass such other and further order or orders as this Hon’ble Court deem fit and proper in the interest of Justice.”

It is an admitted position that pursuant to the survey carried by the concerned Town Vending Committee, Mr. Shivkumar Gupta, has been issued a certificate of vending dated 07.11.2021 (URI:1435319).

*In view of the foregoing, learned counsel appearing on behalf of the petitioner, limits the relief in the present writ petition, to a direction to the Municipal Corporation of Delhi, to permit Mr. Shivkumar Gupta to continue to vend within **Keshav Puram, Ward- 78-N**, strictly in compliance with the terms and conditions of the said certificate of vending, annexed as **Annexure P-2**.*

*In view of the foregoing, the present writ petition is partly allowed; and the Municipal Corporation of Delhi is directed to permit Mr. Shivkumar Gupta, to vend within **Keshav Puram, Ward- 78-N**, subject to the terms and conditions of the said certificate of vending dated 07.11.2021 without let or hindrance.*

Needless to state that the petitioner will be at liberty to articulate the difficulties faced by him, before the appropriate authorities, in accordance with law, in relation to the certificate of vending, insofar as it employs the expression ‘Others’.

No further directions are prayed for.

With the above directions, the writ petition is disposed of accordingly. Pending application(s), if any, also stand disposed of.

Copy of this order be uploaded on the website of this Court.”

3. Subsequently, the writ petition was listed for clarification and vide order dated 1st May, 2023, the previous order dated 26th April, 2023 was kept in abeyance. Such abeyance was directed by the Court on account of



discrepancy in the name of the petitioner vis-à-vis the CoV dated 7th November, 2021. The said order is reproduced herein below:-

“At request of Mr. N.K. Sahoo, learned counsel appearing on behalf of the petitioner, in order to enable him to make an appropriate request to the competent authority seeking correction of the name in the Certificate of Vending (COV) dated 07.11.2021, the hearing of the writ petition is adjourned.

List on 18.07.2023.

In the meantime, the order dated 26.04.2023, is kept in abeyance.

A copy of this order be uploaded on the website of this Court.”

4. This Court has perused the contents of the paper book. It is noted that there exists discrepancy not only in the name of the vendor but also the place of vending vis-à-vis the documents filed on record. While the petitioner seeks to assert squatting rights with respect to area at Kamla Nagar, the CoV dated 7th November, 2021 is with respect to vending permission at Keshav Puram, Ward 78-N. It is also noted that the letter of recommendation dated 15th January, 2021 issued for availing benefits under the PM SVANidhi Scheme mentions the site/place of vending of the petitioner as ‘Bada Gol Chakkar’ which is situated at Kamla Nagar, New Delhi. Furthermore, while the petitioner’s name is ‘Shiv Shankar Gupta’, the CoV has been issued in the name of ‘Shiv Kumar Gupta’. The updated CoV with correction in the name of the petitioner has not been placed on record in compliance with the order dated 1st May, 2023.
5. It is also not understood as to why the petitioner without applying for rectification/correction of the CoV filed the present writ petition. It is



pertinent to mention that there is no prayer in the writ petition for seeking any rectification or correction in the CoV. Consequently, the order dated 26th April, 2023 is recalled and the present writ petition is dismissed with cost of Rs.10,000/- to be paid to the Delhi High Court Legal Services Committee. However, the petitioner-applicant is given liberty to make a representation to the concerned Town Vending Committee for making necessary corrections / modifications.

MANMOHAN, J

MINI PUSHKARNA, J

NOVEMBER 1, 2023

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