

#S-1

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 03.05.2023

W.P.(C) 5496/2023 & CM APPL. 21511/2023 (for interim relief)

MOHAMMAD IMRAN KHAN AND ORS

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

Advocates who appeared in this case:

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

For the Respondents : Mr. Abhinav Sharma, Standing Counsel along with Mr. Mahender Shukla, Advocate for R-1/MCD.
Mr. Abhinav Garg, Panel Counsel for GNCTD/R-2 & R-3.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

JUDGMENT

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 the petitioner Street Vendors be allowed to peacefully vend in terms of the vending certificate issued to

them, on their vending sites i.e. Nahar Patari, Meena Bazar, Jama Masjid, Gate No. 2, City SP Zone, Ward-85-N without any hindrance being caused by any public official.

- II. Pass an order directing the SHO, PS Kotwali to ensure that the petitioners shall not be forcefully removed from their vending sites.*
- III. Pass an order directing the respondents, their officials, their agents etc. be restrained from harassing the petitioners from peacefully vending at their vending sites.*
- IV. Pass an order directing the respondent MCD to correct the nomenclature in the column for vending type from **others** to **stationary street vendor** as detailed in the vending certificate issued to the petitioners.*
- V. 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 stationary street vendor.*
- VI. 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. Abhinav Sharma, learned Standing Counsel accepts notice on behalf of the respondent No. 1/MCD and Mr. Abhinav Garg, learned Panel Counsel accepts notice on behalf of the respondent Nos. 2 and 3/GNCTD.

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 pursuant to the survey carried out by the concerned Town Vending Committee (TVC), the following petitioners have been issued certificates of vending, which are annexed as **Annexure P-2**, to the present writ petition.

<u>S.NO.</u>	<u>NAME OF THE STREET VENDORS</u>	<u>DATE OF ISSUE OF VENDING CERTIFICATE</u>	<u>PLACE OF VENDING</u>	<u>VENDING CERTIFICATE (URI)</u>	<u>CATEGORY OF THE COV ISSUED</u>
1	Mr. Mohammad Imran Khan	31.01.2022	City-SP Zone, Ward-85-N	2110827	Others
2	Mr. Bachchan Kumar Mishra	31.01.2022	City-SP Zone, Ward-85-N	9850987	Others
3	Mr. Abdul Aziz	31.01.2022	City-SP Zone, Ward-85-N	9469734	Others
4	Mr. Asgar Ansari	31.01.2022	City-SP Zone, Ward-85-N	6722158	Others
5	Mr. Shahbuddin Khan	31.01.2022	City-SP Zone, Ward-85-N	5094928	Others

6	Mr. Bachan Babau	31.01.2022	City-SP Zone, Ward-85-N	4298666	Others
7	Mr. Mohammad Kamran Khan	31.01.2022	City-SP Zone, Ward-85-N	7017524	Others
8	Mr. Miya Jalaluddin	31.01.2022	City-SP Zone, Ward-85-N	3421970	Others
9	Mr. Mohammad Irshad	12.04.2022	City-SP Zone, Ward-85-N	6332540	Others
10	Ms. Leelta Ben	31.01.2022	City-SP Zone, Ward-85-N	4642938	Fresh Fruits/ Vegetables/ Perishables
11	Mr. Mohammad Ilyas	31.01.2022	City-SP Zone, Ward-85-N	6506788	Others
12	Mr. Mohammad Jilani	31.01.2022	City-SP Zone, Ward-85-N	8261081	Others
13	Mr. Mohd Mujfer	31.01.2022	City-SP Zone, Ward-85-N	1441850	Others
14	Mr. Umesh Kumar	31.01.2022	City-SP Zone, Ward-85-N	3445628	Others
15	Mr. Mohammad Islam	31.01.2022	City-SP Zone, Ward-85-N	7459068	Others
16	Mohd. Ahshan	31.01.2022	City-SP Zone, Ward-85-N	2872747	Others
17	Mr. Kasim Beg	31.01.2022	City-SP Zone, Ward-85-N	5408590	Others
18	Mr. Azaz Aham	31.01.2022	City-SP Zone, Ward-85-N	2593848	Others
19	Mr. Kamre Alam	31.01.2022	City-SP Zone, Ward-85-N	2066149	Others

Signature Not Verified

Digitally Signed
By: DURGESH NANDAN
Signing Date: 11.05.2023
10:36:56

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20	Mr. Mohd. Adil	12.04.2022	City-SP Zone, Ward- 85-N	6667633	Others
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7. In view of the subsequent developments, learned counsel appearing on behalf of the petitioners, limits the relief in the present writ petition, to a direction to the Municipal Corporation of Delhi, to permit the above-mentioned street vendors, to continue to vend within **City-SP Zone, Ward-85-N**, strictly and scrupulously in compliance with the terms and conditions of the said certificates of vending.

8. In view of the foregoing, the present writ petition is partly allowed; and the Municipal Corporation of Delhi is directed to permit the above-mentioned street vendors, to vend within their respective zones, subject to the terms and conditions as specified in their certificates of vending, without any let or hindrance.

9. Needless to state that the petitioners falling within the category of **'Others'** will be at liberty to articulate any difficulties faced by them, before the appropriate authorities, in accordance with law, in relation to the certificates of vending, insofar as it employs the expression *'Others'*.

10. No further directions are prayed for.

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

12. A copy of this judgment be uploaded on the website of this Court.

**SIDDHARTH MRIDUL
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

MAY 03, 2023/rs

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