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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered on: 15.05.2023

+ W.P.(C) 5562/2023 & & CM APPL. 21850/2023 (for directions)

VINOD

..... Petitioner

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Ram Narayan Singh and Mr. Anand C. Shailani
Advocates.

For the Respondents : Ms. Rachita Garg, Advocate for R-1/GNCTD.
Mr. Sri Harsha Peechara, ASC and Ms. Harshita Gupta,
Advocate for NDMC.

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, 1950, has been instituted on behalf of the petitioner, praying as follows:-

“A. Direct the Respondents not to dispossess or obstruct or disturb the Petitioners in carrying on his trade from his · Near Gate No.4, Emergency Gate, RML Hospital, New Delhi-110001, in terms of section 3(3) of the street vendors {Protection of Livelihood and Regulation of Street Vending} Act 2014 and;

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B. Further to conduct the survey of the Petitioner and to issue certificate of vending in favour of the Petitioner as per the provisions of the Street Vendors {protection of livelihood and regulation of street vending} Act 2014.

Any other relief which this Hon' ble Court may deem fit and proper, may be granted in favour of the Petitioner, keeping in view overall facts and circumstances and also in the interest of justice."

2. Issue notice.

3. Ms. Rachita Garg, learned counsel accepts notice on behalf of the respondent No. 1/Govt. of National Capital Territory of Delhi (GNCTD) and Mr. Sri Harsha Peechara, learned Additional Standing Counsel accepts notice on behalf of the New Delhi Municipal Council (NDMC).

4. Learned counsel appearing on behalf of the petitioner, limits the relief in the present writ petition, in relation to the prayer clause B (extracted *herein above*), of the present writ petition, and to consider the case of the petitioner, at the time the TVC carry out the subject survey, in accordance with law.

5. Accordingly, it is relevant to highlight that this Court, *vide* order dated 16.02.2023, issued certain directions to the New Delhi Municipal Council (NDMC) and GNCTD in W.P. (C) 12459/2022, titled as '*Bacchu Singh Paharia Vs. New Delhi Municipal Council & Anr.*'; which will extend to the present petitioner, as well, with equal force and vigour. The order dated 16.02.2023, passed in W.P. (C) 12459/2022, titled as '*Bacchu Singh Paharia Vs. New Delhi Municipal Council &*

Anr.' is extracted *herein below, in toto*:

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

"It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to:-

- a) Direct the Respondent no. 1 and 2 allow the petitioner to operate at his given vending site i.e. Near Shop No.36, Sarojini Nagar Market New Delhi till the final decision taken by the Town Vending Committee after completion of Survey.*
- b) Issue a Writ, Order or Direction in the nature of Pass such other or further orders, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."*

Mr. Gautam Narayan, learned Additional Standing Counsel (Civil) appearing on behalf of the GNCTD states that the survey to be conducted by the duly constituted Town Vending Committee, shall commence forthwith, in accordance with the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street vending) Act 2014, as well as the Delhi Street Vendors (Protection of livelihood and regulation of street vending) Rules, 2017 and The Government of National Capital territory of Delhi Street Vendors (Protection of livelihood and regulation of street vending) Scheme, 2019.

Mr. Sri Harsha Peechara, learned Additional Standing Counsel appearing on behalf of NDMC states, that they shall render assistance, as may be required by the GNCTD, in this behalf.

Directed accordingly.

No further relief is prayed for.

With the above directions, the writ petition is disposed of accordingly. Pending applications also stand disposed of.

Copy of the order be given dasti to learned counsel appearing on behalf of the parties.'

6. Having regard to the facts and circumstances attendant and antecedent, in relation to the present writ petition and having heard

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learned counsel appearing on behalf of the parties; we dispose of the present writ petition, with a direction to the Town Vending Committee, to consider the case of the petitioner, at the time the latter carries out the survey, in accordance with law.

7. No further relief is prayed for.
8. The writ petition is disposed of accordingly. Pending application (s) also stands disposed of.
9. A copy of this judgment be uploaded on the website of this Court, forthwith.

**SIDDHARTH MRIDUL
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

MAY 15, 2023/mr

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

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