



Neutral Citation Number 2023:DHC:3905-DB

#S-30

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered on: 09.05.2023

+ **W.P.(C) 6001/2023 & CM APPL. 23518/2023 (Ad-Interim Ex-Parte Stay)**

OM PRAKASH & ORS.

..... Petitioners

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioners

: Mr. Awijit Paliwal, Advocate.

For the Respondents

: Mr. Dhanesh Relan, Mr. Arindam Dey and Mr. Saubhagya S., Advocates for R-1/MCD.

Ms. Urvi Mohan, Advocate for 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)

CM APPL. 23519/2023 (Exemption)

1. Exemption granted, subject to all just exceptions.

2. The application is disposed of accordingly.

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By: AANCHAL TAGGAR

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W.P.(C) 6001/2023

1. At the outset, learned counsel appearing on behalf of the petitioners seeks leave to delete Central Public Works Department/respondent no. 2 from the array of parties on the ground that no relief is prayed for in the present writ petition against the said respondent.

2. Leave and liberty granted.

3. Let amended memo of parties be filed.

4. The present petition has been instituted on behalf of the petitioners under Article 226 of the Constitution of India, 1950, praying as follows:

“A) Issue an appropriate Writ of Mandamus, Order or direction to the Respondents No.1-3 not to disturb/dislocate the petitioners from vending in the area Opposite Mechanic Market, Near Hanuman Mandir, Sewa Nagar, Delhi - 110003 till the allotment of permanent vending site to the Petitioners.

B) Pass any such order/further orders as this Hon'ble Court may deem fit and proper.”

5. Issue notice.

6. Mr. Dhanesh Relan, learned counsel accepts notice on behalf of the respondent no. 1/Municipal Corporation of Delhi (MCD) and Ms.

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no.3.

7. Learned counsel appearing on behalf of the MCD, has handed-up in the Court today, the terms and conditions, permitting the petitioners to vend.

8. 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.

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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.”

9. 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, the following petitioners have been issued certificates of vending, which are annexed as **Annexure A-1**, to the present writ petition.

<u>S.NO.</u>	<u>NAME OF THE</u> STREET VENDORS	<u>DATE OF</u> ISSUE OF VENDING	<u>PLACE OF</u> VENDING	<u>VENDING</u> CERTIFICATE (URI)	<u>CATEGORY</u> OF THE COV ISSUED
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		<u>CERTIFICATE</u>			
1	Mr. Om Prakash	06.11.2021	Central Zone, Ward-S-58	3797590	Others
2	Mr. Mohammad Jhunnu	06.11.2021	Central Zone, Ward-S-58	1316406	Others
3	Ms. Meena	06.11.2021	Central Zone, Ward-S-58	1463401	Others
4	Ms. Bajrangi Davi	06.11.2021	Central Zone, Ward-S-58	6774522	Others
5	Mr. Guddu Verma	06.11.2021	Central Zone, Ward-S-58	8955649	Others
6	Mr. R Murgesan	06.11.2021	Central Zone, Ward-S-58	5488733	Others

10. In view of the foregoing, learned counsel appearing on behalf of the petitioners, seeks a solitary relief in the present writ petition, i.e. a direction to the Municipal Corporation of Delhi, to permit the petitioners to continue to vend within **Central Zone, Ward-S-58**, strictly and scrupulously in compliance with the terms and conditions of the said certificates of vending and in accordance with law.

11. In view of the above, the present writ petition is allowed; and the Municipal Corporation of Delhi is directed to permit the petitioners to

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conditions of the said certificates of vending dated **06.11.2021**, without
any let or hindrance.

12. 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, insofar as it employs the expression
‘Others’.

13. No further directions are prayed for.

14. With the above directions, the writ petition is disposed of
accordingly.

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

SIDDHARTH MRIDUL, J
(JUDGE)

TALWANT SINGH, J
(JUDGE)

MAY 09, 2023/pa

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

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