



Neutral Citation Number 2023:DHC:4054-DB
#-42

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered on: 17.05.2023

+ **W.P.(C) 6413/2023 & CM APPL. 25259/2023 (Interim Injunction)**

MOHD KAMRAN KHAN

..... Petitioner

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner	:	Ms. Tanvi Madan & Ms. Mansi Sharma, Advocates.
For the Respondents	:	Ms. Madhawi Agarwal, Advocate for Ms. Mrinalini Sen, Advocate for R-1/MCD. Mr. Abhinav Garg, Panel Counsel with Mr. Mihir Gujjewar, Advocate for R-2 & 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. At the outset, learned counsel appearing on behalf of the petitioner, on instructions from the latter, states that the petitioner's description in the memo of parties is incorrectly mentioned as Mohammad Kamran Khan. The correct description of the petitioner is Mohammad Kamran, son of Shahabuddin, Resident of C-131 4th/F, Mata Wali Gali No.-9/1, Chauhan Banger Maujpur, Near Shiv Mandir

Wali Gali , Maujpur, North East, Delhi-53.

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Neutral Citation Number 2023:DHC:4054-DB

2. The memo of parties is accordingly corrected and the name of the petitioner be read as Mohammad Kamran instead of Mohammad Kamran Khan, incorrectly stated in the memo of parties.

3. Learned counsel appearing on behalf of petitioner undertakes to file amended memo of parties within two days.

4. 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) It is therefore, most respectfully prayed that a writ of mandamus or any other appropriate writ may kindly be issued thereby directing the respondents not to interfere in the running of his business or cause any disturbance in the functioning of his food stall from the vending site allotted to him in Parda Bagh Market, Near Petrol Pump, Daryaganj, Delhi-110002 at Central Zone, Ward-S-55, recommended by the town Vending Committee vide letter dated 24/07/2021 and as shown in site plan.

Any other or further relief which this hon’ble court may deem fit and proper in the circumstances of the case may also be granted.”

5. Issue notice.

6. Ms. Madhawi Agarwal, learned Counsel accepts notice on behalf of the respondent No. 1/MCD and Mr. Abhinav Garg, learned counsel accepts notice on behalf of the respondent Nos. 2 and 3.

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

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Page 2 of 5



Neutral Citation Number 2023:DHC:4054-DB

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.
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.

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Neutral Citation Number 2023:DHC:4054-DB

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, **Mohammad Kamran** has been issued a certificate of vending **dated 07.11.2021, URI: 1420394**, which is annexed as **Annexure ‘C’**, to the present writ petition.

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 **Mohammad**

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Kamran to continue to vend within **Central Zone, Ward- S-55**, strictly



Neutral Citation Number 2023:DHC:4054-DB
and scrupulously in compliance with the terms and conditions of the said
certificate 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 **Mohammad
Kamran**, to vend within **Central Zone, Ward- S-55**, subject to the
terms and conditions of the said certificate of vending dated **07.11.2021**,
without any let or hindrance.

12. No further directions are prayed for.

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

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

**SIDDHARTH MRIDUL
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

MAY 17, 2023/nk

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

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