



#S-50

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 24.05.2023

+ W.P.(C) 7238/2023

MANOJ KUMAR SINGH AND ORS.

..... Petitioners

Versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Sanjay Baniwal, Ms. Manisha Baniwal and Mr. Bhupinder Singh, Advocates.

For the Respondents : Ms. Tajinder Viridi, Standing Counsel with Ms. Kaavini and Ms. Sakshi Tiwari, Advocates for R-1/MCD.
Ms. Nitika Bhutani, 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 petitioners seeks leave to delete petitioner no. 4, namely, Tasleen

Rabbani from the array of parties, with liberty to initiate independent



Neutral Citation Number 2023:DHC:4051-DB

proceedings containing better and corrected particulars, in relation to petitioner no. 4 and also seeks liberty to file amended memo of parties.

2. Leave and liberty granted.
3. Let the amended memo of parties be filed within two days from today.
4. The present writ petition under Article 226 of the Constitution of India, has been instituted on behalf of the petitioners, praying as follows:-

“I. Pass an order directing the respondents not to disturb the petitioners operation of vending/hawking unit at South Zone, Ward - S - 66 of the petitioners in reference/ compliance of the Certificates of Vending (CCV) issued by the respondents;

II. 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.”

5. Issue notice.
6. Ms. Tajinder Viridi, learned Standing Counsel, accepts notice on behalf of the respondent No. 1/MCD and Ms. Nitika Bhutani, learned counsel accepts notice on behalf of the respondent No.2 and 3.
7. Learned Standing Counsel appearing on behalf of the MCD, has handed-up in the Court today, the terms and conditions, permitting the petitioners to vend.



Neutral Citation Number 2023:DHC:4051-DB

8. Let the same be taken on the record. For the sake of completeness, the said terms and conditions attached to the Certificates 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.

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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.”

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,



Neutral Citation Number 2023:DHC:4051-DB

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. Manoj Kumar Singh	06.11.2021	South Zone, Ward-S-66	7303681	Others
2	Mr. Daya Ram	06.11.2021	South Zone, Ward-S-66	6540901	Others
3	Mr. Satya Dev Prasad	06.11.2021	South Zone, Ward-S-66	6418144	Others
4	Mr. Sanjay Kumar Prasad	06.11.2021	South Zone, Ward-S-66	2164846	Others
5	Ms. Kusum	06.11.2021	South Zone, Ward-S-66	2653936	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 **South Zone, Ward-S-66**, 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 vend within **South Zone, Ward-S-66**, subject to the terms and

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Page 5 of 6



Neutral Citation Number 2023:DHC:4051-DB

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
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

MAY 24, 2023/pa

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

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Page 6 of 6