



#S-37

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 25.05.2023

W.P.(C) 7268/2023, CM APPL. 28274/2023 (Exemption) & CM APPL. 28275/2023 (Exemption)

PAWAN KUMAR AND ORS

..... Petitioners

Versus

MUNICIPAL CORPORATION OF DELHI THROUGH ITS COMMISSIONER DR SP MUKHERJEE AND ORS.

....Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Prakash Kumar Singh, Ms. Pooja Singh and Ms. Neema, Advocates.

For the Respondents : Ms. Shweta Priya, Advocate for R-1/MCD.
Mr. Laksh Khanna, APP for R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE GAURANG KANTH

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



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

a) Issue an appropriate Writ of mandamus or any other appropriate writ, order or directions thereby directing the respondents to ensure that the petitioners Street Vendors be allowed to peacefully vend in terms of the vending certificate issued to them, on their vending sites i.e., in Old Lajpat Rai Market, City-SP Zone, Ward-84-N, More Sarai Road and Deewan Hall Road, Delhi- 110006 without any hindrance being caused by any public official;

b) Issue an appropriate Writ of mandamus or any other appropriate writ, order or directions thereby directing the SHO, PS Kotwali to ensure that the street vendors of the petitioner association shall not be forcefully removed from their vending site;

c) Issue an appropriate Writ of mandamus or any other appropriate writ, order or directions thereby directing the respondents, their officials, their agents etc. be restrained from harassing the petitioners from peacefully vending at their vending sites even in the future;

d) 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 petitioners in the category of the vendors in the instant case;

e) Pass such other or further order(s) as this Hon'ble Court deems fit under the facts and circumstances of the case.'

2. Issue notice.



3. Ms. Shweta Priya, learned counsel, accepts notice on behalf of the respondent No. 1/MCD and Mr. Laksh Khanna, learned APP accepts notice on behalf of the respondent No.2 & 3/Delhi Police.

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

5. 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.
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 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 P-4**, 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. Pawan Kumar	07.11.2021	City-SP Zone, Ward-84-N	2007421	Food/Snack with gas cylinder/fire
2	Mohd Mahaji Bullah	07.11.2021	City-SP Zone, Ward-84-N	3099338	Food/Snack with gas cylinder/fire
3	Jay Ram Chaudhary	07.11.2021	City-SP Zone, Ward-84-N	4787398	Food/Snack with gas cylinder/fire
4	Damodar	07.11.2021	City-SP Zone, Ward-84-N	3271200	Food/Snack with gas cylinder/fire
5	Mainuddin	07.11.2021	City-SP Zone, Ward-84-N	2963422	Food/Snack with gas cylinder/fire
6	Mohd Ramzani	07.11.2021	City-SP Zone, Ward-84-N	2695657	Food/Snack with gas cylinder/fire
7	Dhanraj	07.11.2021	City-SP Zone, Ward-84-N	1452667	Food/Snack with gas cylinder/fire



7. In view of the foregoing, learned counsel appearing on behalf of the petitioner, 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-84-N**, strictly and scrupulously in compliance with the terms and conditions of the said certificate of vending and in accordance with law.

8. In view of the above, 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 **City-SP Zone, Ward-84-N**, subject to the terms and conditions of the said certificates of vending dated **07.11.2021**, without any let or hindrance.

9. No further directions are prayed for.

10. With the above directions, the writ petition is disposed of accordingly. The pending applications also stand disposed of.

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

SIDDHARTH MRIDUL
(JUDGE)



**GAURANG KANTH
(JUDGE)**

MAY 25, 2023
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[Click here to check corrigendum, if any](#)

