



#S-13

IN THE HIGH COURT OF DELHI AT NEW DELHI*Judgment Delivered On: 31.05.2023***W.P.(C) 7286/2023****JAAN MOHD & ORS.**

..... Petitioners

Versus**MUNICIPAL CORPORATION OF DELHI & ANR..... Respondents****Advocates who appeared in this case:**

For the Petitioners : Mr. Awijit Paliwal, Advocate.

For the Respondents : Ms. Anjali Chauhan, Standing Counsel along with Mr. K. Murali Kumar Reddy, Advocate for R-1/MCD.
Mr. Laksh Khanna, APP for R-2/SHO, Police Station: Lodhi Colony.**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. 28329/2023 (Exemption)**

Exemption allowed, subject to all just exceptions.

The application stands disposed of accordingly.

W.P.(C) 7286/2023 & CM APPL. 28328/2023 (Stay)

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 thus most respectfully prayed that the Hon'ble Court may be pleased to pass the following directions:

A) Issue an appropriate Writ of Mandamus, Order or direction to the Respondents No.1-2 to permit the petitioners to continue to vend within Central Zone, Ward 5-58 in accordance with the terms and conditions of their respective Certificate of Vending

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

2. Issue notice.

3. Ms. Anjali Chauhan, learned Standing 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/SHO, Police Station: Lodhi Colony



4. Learned Standing Counsel appearing on behalf of the MCD, has invited our attention to the terms and conditions, permitting the petitioners to vend.

5. 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.
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. In terms of the Certificates of Vending issued to the petitioners, it is clearly stipulated that they cannot vend from any particular location, contrary to the express terms of **Clause no. ‘11’**, of the said Certificates of Vending. It is further observed that since the Town Vending Committee (TVC) is yet to fix a time limit, providing for a period, during which vendors can vend from any particular spot, the stipulation



of 30 minutes time, contained in the said clause, is binding on the petitioners, at this stage. Learned counsel appearing on behalf of the petitioners states, that they do not pray for the relief of running their business from any particular vending site, within the zone where they have been permitted to vend by the Municipal Corporation of Delhi, and further, the solitary relief that is prayed for, is to permit the petitioners to vend strictly, in accordance with the terms and conditions of the Certificates of Vending dated 06.11.2021, issued by the Municipal Corporation of Delhi.

7. 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-1**, 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. Jaan Mohd.	06.11.2021	Central Zone, Ward-S-58	5644923	Fresh Fruits/Vegetables/Perishables
2	Mr. Shakil Qureshi	06.11.2021	Central Zone, Ward-S-58	7137452	Fresh Fruits/Vegetables/Perishables
3	Mohammad Salman	06.11.2021	Central Zone, Ward-S-58	2053412	Fresh Fruits/Vegetables/Perishables
4	Mr. Nathu Ram	06.11.2021	Central Zone, Ward-S-58	2088672	Fresh Fruits/Vegetables/Perishables
5	Mr. Sohan Lal Yadav	06.11.2021	Central Zone, Ward-S-58	6104033	Fresh Fruits/Vegetables/Perishables

8. 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.

9. 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 **Central Zone, Ward-S-58**, subject to the terms and conditions of the said certificates of vending dated **06.11.2021**, without any let or hindrance.



10. No further directions are prayed for.
11. With the above directions, the writ petition is disposed of accordingly. The pending application also stands disposed of.





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

**SIDDHARTH MRIDUL
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

MAY 31, 2023/rs

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



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