



#S-14

IN THE HIGH COURT OF DELHI AT NEW DELHI*Judgment Delivered On: 31.05.2023***W.P.(C) 7366/2023****PURAN SINGH**

..... Petitioner

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

For the Petitioner : 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. 28686/2023 (Exemption)**

Exemption allowed, subject to all just exceptions.

The application stands disposed of accordingly.

W.P.(C) 7366/2023 & CM APPL. 28685/2023 (Stay)

1. The present writ petition under Article 226 of the Constitution of India, has been instituted on behalf of the petitioner, praying as follows:-

“It is most respectfully prayed that the Hon’ble Court may be pleased to pass the following directions:

- I. Issue an appropriate Writ of Mandamus, Order or direction to the Respondents No.1-2 to permit the petitioner to continue to vend within Central Zone, Ward S-58 in accordance with the terms and conditions of his respective Certificate of Vending*
- II. 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 petitioner 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 Certificate of Vending issued to the petitioner, it is clearly stipulated that he cannot vend from any particular location, contrary to the express terms of **Clause no. ‘11’**, of the said Certificate 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 a vendor can vend from any particular spot, the stipulation of 30 minutes time, contained in the said clause, is binding on the petitioner, at this stage.

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,



Mr. Puran Singh has been issued a certificate of vending dated **06.11.2021**, URI: **5622662**, which is annexed as **Annexure P-1**, to the present writ petition.

8. In view of the foregoing, learned counsel appearing on behalf of the petitioner, seeks a solitary relief in the present writ petition, i.e. a direction to the Municipal Corporation of Delhi, to permit **Mr. Puran Singh** to continue to vend within **Central Zone, Ward-S-58**, strictly and scrupulously in compliance with the terms and conditions of the said certificate of vending, particularly **Clause no. 11**, 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 **Mr. Puran Singh** to vend within **Central Zone, Ward-S-58**, subject to the terms and conditions of the said certificate 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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