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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment Delivered on: 26.05.2023

+ **W.P.(C) 7446/2023, CM APPL. 28941/2023 (Ad Interim Ex-Parte Stay) & 28942/2023 (Exemption)**

MAHAVIR AND ORS.

..... Petitioners

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioners
For the Respondents

: Ms. Meenakshi Joshi, Advocate.
: Ms. Tajinder Viridi, Standing Counsel with Ms. Sakshi Tiwari, Advocate for R-1/MCD.
Mr. Abhinav Garg, Panel Counsel/GNCTD with Mr. Mihir Gujjewar and Mr. Arjun Nanrang, Advocates for R-2.

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. The present petition has been instituted on behalf of the petitioners under Article 226 of the Constitution of India, 1950, praying as follows:

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“a) Issue an appropriate Writ of Mandamus, Order or direction to the Respondents No.1-2 not to disturb the petitioners from vending at



Neutral Citation Number 2023:DHC:4038-DB

Central Zone, Ward-S-91, South Delhi Municipal Corporation, Delhi-110024.

b) Pass such other or further order(s) as may be deemed fit and proper in facts and circumstances of the present case.

2. Issue notice.

3. Ms. Tajinder Viridi, learned Standing Counsel accepts notice on behalf of the respondent no. 1/Municipal Corporation of Delhi (MCD). Mr. Abhinav Garg, learned Panel Counsel/GNCTD accepts notice on behalf of respondent Nos. 2.

4. 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.

5. 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

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Signing Date: 02.06.2023 14:14 W.P.(C) 7424/2023

Page 2 of 5



original documents to TVC/concerned inspector whenever required.

8. Vendor/Squatter shall insure that no hindrance be caused to pedestrian and vehicular movement.
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

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Neutral Citation Number 2023:DHC:4038-DB

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 A-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. Mahavir	06.11.2021	Central Zone, Ward-S-91	3065266	Others
2	Mr. Pankaj Saha	06.11.2021	Central Zone, Ward-S-91	3167953	Others
3	Mr. Nayer Alam	06.11.2021	Central Zone, Ward-S-91	9950596	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 **Central Zone, Ward-S-91**, 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 **Central Zone, Ward-S-91**, subject to the terms and

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Signing Date: 02.06.2023 WP (C) 7424/2023

Page 4 of 5



Neutral Citation Number 2023:DHC:4038-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, in accordance with law, in relation to the certificates of vending, 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. Pending application(s) also stand disposed of.

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

SIDDHARTH MRIDUL, J
(JUDGE)

TALWANT SINGH, J
(JUDGE)

MAY 26, 2023/mr

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

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Signing Date: 02.06.2023 18:14 W.P.(C) 7424/2023

Page 5 of 5