

#S-49

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 29.05.2023

W.P.(C) 7527/2023 & CM APPL. 29206/2023 (for direction)

RENU DEVI

....Petitioner

Versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

....Respondents

Advocates who appeared in this case:

For the Petitioner : Ms. Mansi Sharma, Advocate.

For the Respondents: Ms. Ankita Sarangi, Advocate for R-1.
Mr. Alok Saxena, Advocate for R-2 & R-3.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

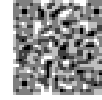
J U D G M E N T

SIDDHARTH MRIDUL, J. (OPEN COURT)

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

"1. The the petitioner is a law abiding citizen earning her livelihood by seeling street food from her stall situated at Parda Bagh Road, Darya ganj, Delhi-110002, in Central Zone, Ward S-55, since last more than 10 years as shown in the site plan attached with ther petition.

2. That the petitioner has been an eligible vendor vide certificate/ Registration no. DL/276402/221121/4053857, issued on 21/11/2022 by Town Vending Committee and was recommended for allotment of a vending site vide LOR. The town vending committee while



recommending the case of petitioner for allotment of permanent vending site also recommended that the petitioner be also granted financial assistance in the form bank loans for setting up her vend.

3. *That the petitioner was granted loan of Rs. 10,000/- under PMSVN on the the recommendation of the town vending committee Vide Application ID PMD11220795000 with which the petitioner has set up her food vending stall and smoothly running the same.*

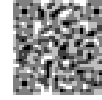
4. *That however, since last two months the the officials of the respondents have started interfering in the running of the food vend by the petitioner and disrupts the business of petitioner by throwing the articles of the petitioner on the road. They say they will not allow the petitioner to run her business unless they are paid sufficiently.*

5. *That the petitioner pleaded with the officials and told them that she is a legal and authorised vendor and also showed them the letter issued by Town Vending Committee, Delhi, which is an statutory body but the officials of respondent refused to recognise.*

6. *That the action of the officials of respondents is highly illegal and uncalled for. The respondents have no right to interfere in the running of her business from the site mentitioned in the letter dated 21/11/2022 no DL/276402/221121/4053857 issued by Town Vending committee. The right of the petitioner to work and earn her livelihood is her fundamental right recognised by Indian Constitution..*

7. *That the petitioners have not filed any other or previous writ petition in respect of the subject matter of the present writ petition before the hon'ble court or before the hon'ble Supreme Court.*

It is therefore, most respectfully prayed that a writ of mandamus or any other appropriate writ may kindly be issued thereby directing the respondents not to interfere in the running of her business or cause any disturbance in the functioning of her food stall from the vending site allotted to her at Central Zone, Ward-S-55, Parda Bagh Road, Daryaganj, Delhi- 110002 by

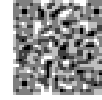


Town Vending Committee vide letter dated 21/11/2022 and as shown in site plan.

Any other or further relief which the hon'ble court may deem fit and proper in the circumstances of the case may also be granted."

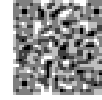
2. Issue notice.
3. Ms. Ankita Sarangi, learned counsel accepts notice on behalf of the respondent No. 1/MCD and Mr. Alok Saxena, learned counsel accepts notice on behalf of the respondent Nos. 2 and 3.
4. Learned Standing Counsel appearing on behalf of the MCD, has invited our attention to the terms 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.”

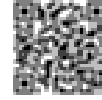
6. In terms of the Certificate of Vending issued to the petitioner, it is clearly stipulated that she cannot vend from any particular location, contrary to the express terms of **Clause no. ‘11’**, of the said Certificate of Vending. It is further observed that since the Town Vending Committee (TVC) 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. Learned counsel appearing on behalf of the petitioner states, that



she does not pray for the relief of running her business from any particular vending site, within the zone where she has been permitted to vend by the Municipal Corporation of Delhi, and further, the solitary relief that is prayed for, is to permit the petitioner to vend strictly, in accordance with the terms and conditions of the Certificate of Vending dated 07.11.2021, 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, **Ms. Renu Devi** has been issued a certificate of vending dated **07.11.2021, URI: 9206975**, which is annexed as **Annexure C**, to the present writ petition.

8. In view of the foregoing, learned counsel appearing on behalf of the petitioner, categorically limits the relief in the present writ petition, to a direction to the Municipal Corporation of Delhi, to permit **Ms. Renu Devi** to continue to vend within **Central Zone, Ward-S-55**, 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 partly allowed; and the Municipal Corporation of Delhi is directed to permit **Ms. Renu Devi**, to vend within **Central Zone, Ward-S-55**, subject to the terms and conditions of the said certificate of vending dated **07.11.2021**, 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 29, 2023
Aanchal

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