



#S-61

IN THE HIGH COURT OF DELHI AT NEW DELHI*Judgment Delivered On: 30.05.2023***W.P.(C) 7761/2023****SAHDEV MAURYA AND ORS.**

..... Petitioners

Versus**MUNICIPAL CORPORATION OF DELHI AND ORS.**

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Sanjay Baniwal, Ms. Manisha Baniwal and Mr. Bhupender Singh, Advocates.

For the Respondents : Ms. Puja Kalra, Standing Counsel along with Mr. Virendra Singh, Advocates for R-1/MCD.
Mr. Mohit Bhardwaj, Advocate for R-2 & R-3/GNCTD.

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 petitioners, praying as follows:-

“In the above facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- I. Pass an order directing the respondents not to disturb the petitioners operation of vending/hawking unit at Central Zone, Ward-S-58 of the petitioners in reference/compliance of the Certificates of Vending (COV) issued by the respondents;*
- II. Pass any such directions or order that this Hon'ble court may deem fit and proper in the facts and circumstances of the above-mentioned case.”*

2. Issue notice.

3. Ms. Puja Kalra, learned Standing Counsel accepts notice on behalf of the respondent No. 1/MCD and Mr. Mohit Bhardwaj, learned counsel accepts notice on behalf of the respondent Nos. 2 and 3/GNCTD.

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.

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-2**, 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. Sahdev Maurya	06.11.2021	Central Zone, Ward-S-58	2875299	Others
2	Mr. Moti Lal	06.11.2021	Central Zone, Ward-S-58	5305985	Others
3	Mr. Ravi Shankar Shukla	06.11.2021	Central Zone, Ward-S-58	2574781	Others

8. In view of the foregoing, learned counsel appearing on behalf of the petitioners, categorically limits the relief in the present writ petition, to a direction to the Municipal Corporation of Delhi, to permit **Mr. Sahdev Maurya, Mr. Moti Lal and Mr. Ravi Shankar Shukla**, 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, 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 **Mr. Sahdev Maurya, Mr. Moti Lal and Mr. Ravi Shankar Shukla**, 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. Needless to state that the petitioners 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*'.

11. No further directions are prayed for.

12. With the above directions, the writ petition is disposed of accordingly.

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

**SIDDHARTH MRIDUL
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

MAY 30, 2023/rs

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