



#S-69

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered on: 30.05.2023

**+ W.P.(C) 7785/2023, CM APPL. 30060/2023 (Exemption) &
CM APPL. 30061/2023 (Exemption)**

NATHU LAL YADAV AND ORS

..... Petitioners

versus

**MUNICIPAL CORPORATION OF DELHI THROUGH ITS
COMMISSIONER DR SP MUKHERJEE**

..... Respondent

Advocates who appeared in this case:

For the Petitioners : Mr. Prakash Kr. Singh, Ms. Pooja Singh and Ms.
Neema, Advocates.
For the Respondents : Ms. Shweta Priya, Advocate for R-1/MCD.
Mr. Laksh Khanna, APP for R-2 & 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)

**CM APPL. 30060/2023 (Exemption) & CM APPL. 30061/2023
(Exemption)**

1. Exemptions granted, subject to all just exceptions.
2. The application is disposed of accordingly



W.P.(C) 7785/2023

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

It is most respectfully prayed that this Hon'ble Court may be pleased to:

- a) Issue an appropriate Writ of mandamus or any other appropriate writ, order or directions thereby directing the respondents to ensure that the petitioners Street Vendors be allowed to peacefully vend in terms of the vending certificate issued to them, on their vending sites i.e., in Old Lajpat Rai Market, City-SP Zone, Ward-84-N, More Sarai Road and Deewan Hall Road, Delhi- 110006 without any hindrance being caused by any public official;*
- b) Issue an appropriate Writ of mandamus or any other appropriate writ, order or directions thereby directing the SHO, PS Kotwali to ensure that the street vendors of the petitioner association shall not be forcefully removed from their vending site;*
- c) Issue an appropriate Writ of mandamus or any other appropriate writ, order or directions thereby directing the respondents, their officials, their agents etc. be restrained from harassing the petitioners from peacefully vending at their vending sites even in the future;*
- d) Issue an appropriate Writ of mandamus or any other appropriate writ, order or directions thereby directing the respondent MCD to correct the nomenclature in the column for vending type from others to stationary street vendor as detailed in the vending certificate issued to the petitioners;*
- e) Pass an order for quashing and setting aside the terms of certificate of vending printed at the back side of the vending certificate to the extent which is not applicable to a stationery street vendor;*
- f) Pass such other or further order(s) as this Hon'ble Court deems fit under the facts and circumstances of the case”.*

2. Issue notice.

3. Ms. Shweta Priya, learned counsel accepts notice on behalf of the respondent No. 1/Municipal Corporation of Delhi (MCD) and Mr. Laksh



Khanna, learned APP accepts notice on behalf of the respondent Nos. 2 and 3.

4. Learned Counsel appearing on behalf of the MCD, has handed-up in the Court today, the terms and conditions, permitting the petitioner 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 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 petitioners states, that he does 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 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, the following petitioners have been issued certificates of vending, which are annexed as **Annexure P-4**, 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	Nathu Lal Yadav	07.11.2021	City-SP Zone, Ward- 84-N	4135463	Others
2	Mohd Naushad	07.11.2022	City-SP Zone, Ward- 84-N	5427813	Others
3	Mohammad Saeem	07.11.2021	City-SP Zone, Ward- 84-N	1267964	Others
4	Riyaz	07.11.2021	City-SP Zone, Ward- 84-N	7104833	Others
5	Mohd Iqbal	28.02.2021	City-SP Zone, Ward- 84-N	8903994	Others
6	Mohd Noor Alam	07.11.2021	City-SP Zone, Ward- 84-N	2655819	Others
7	Mohd Mustafa	07.11.2021	City-SP Zone, Ward- 84-N	9070172	Others
8	Gaffar	07.11.2021	City-SP Zone,	3007472	Others

Signature Not Verified

Digitally Signed
By: AANCHAL TAGGAR
Signing Date: 05.07.2023
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			Ward- 84-N		
9	Arvind Kumar Yadav	07.11.2021	City-SP Zone, Ward- 84-N	9651169	Others
10	Shakil Ahmad	07.11.2021	City-SP Zone, Ward- 84-N	5384859	Others
11	Mohd Moti	07.11.2021	City-SP Zone, Ward- 84-N	3144668	Others
12	Mohd Aftab Alam	07.11.2021	City-SP Zone, Ward- 84-N	5179574	Others
13	Mohd Amanullah	07.11.2021	City-SP Zone, Ward- 84-N	3049378	Others
14.	Chan Mohammad	07.11.2021	City-SP Zone, Ward- 84-N	3367391	Others
15	Nur Mohammed	07.11.2021	City-SP Zone, Ward- 84-N	3681541	Others
16	Mohd. Rashid Alam	07.11.2021	City-SP Zone, Ward- 84-N	6888421	Others
17	Mangendra Kumar Paswan	07.11.2021	City-SP Zone, Ward- 84-N	1914563	Others
18	Mohd. Barik	07.11.2021	City-SP Zone, Ward- 84-N	9631589	Others

8. In view of the foregoing, learned counsel appearing on behalf of the petitioners, limits the relief in the present writ petition, to a direction to the Municipal Corporation of Delhi, to permit the above-mentioned street vendors, to continue to vend within **City-SP Zone, Ward- 84-N**, strictly and scrupulously in compliance with the terms and conditions of the said certificates of vending.

9. In view of the above, the present writ petition is partly allowed; and the Municipal Corporation of Delhi is directed to permit the above-mentioned street vendors, to vend within their respective zones, subject



to the terms and conditions as specified in their certificates of vending, without any let or hindrance.

10. 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'.

11. No further directions are prayed for.

12. With the above directions, the writ petition is disposed of accordingly. The pending application(s) also stand disposed of.

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

**SIDDHARTH MRIDUL
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

MAY 30, 2023/nk

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