



#S-16

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered on: 11.07.2023

+ **W.P.(C) 8029/2023**

AJIT KUMAR AND OTHERS

..... Petitioners

Through:

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents

Through:

Advocates who appeared in this case:

For the Petitioners : Ms. Kawalpreet Kaur and Ms. Sumayya Khatora, Advocates.

For the Respondents : Ms. Shweta Priya, Advocate for respondent No. 2/ MCD.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE GAURANG KANTH

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, 1950, has been instituted on behalf of the petitioners, praying as follows:-

“(a) Pass an order directing the respondents to ensure that the petitioner’s Street Vendors be allowed to peacefully



vend at their respective vending site i.e., at Link Road, Lal Quila, Red Fort Delhi, City-SP Zone, Ward -84-N, Delhi without any obstruction being caused by the respondent corporation and Delhi Police.

*(b) Pass an order directing the respondent corporation to allow the petitioners who have requisite Certificate of Vending at **Annexure P- 2 (colly)** at pp. 100-151. In accordance with the Street Vendors Act, 2014 at **Annexure P- 10** at pp. 308-332, Protection of Livelihood and Regulation of street vending Rules 2017, at **Annexure P-9** at pp. 289-307 and The Government of National Capital Territory of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme 2019 at **Annexure P- 10** at pp. 308-332.*

(c) Pass an order directing the respondent corporation to not solicit any additional amount and to not harass any street vendor who has been duly licensed to vend at the aforesaid site.”

2. Issue notice.
3. Ms. Shweta Priya, learned counsel accepts notice on behalf of the respondent No. 2/ Municipal Corporation of Delhi (MCD).
4. Learned 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 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 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 Certificates of Vending issued by the Municipal Corporation of Delhi to Petitioners.

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	Ajeet Kumar	07.11.2021	City-SP Zone, Ward- 84-N	7266324	Others
2	Mohd Alam	07.11.2022	City-SP Zone, Ward- 84-N	2722825	Others
3	Raj Kumar Gupta	07.11.2021	City-SP Zone, Ward- 84-N	2821659	Others
4	Sharif	07.11.2021	City-SP Zone, Ward- 84-N	3157663	Others
5	Mohd Razi	07.11.2021	City-SP Zone, Ward- 84-N	6165398	Others
6	Mohammad Khurshid	28.02.2022	City-SP Zone, Ward- 84-N	8548284	Others
7	Md. Saheed	03.02.2022	City-SP Zone, Ward- 84-N	2362947	Others
8	Arvind Kumar	07.11.2021	City-SP Zone, Ward- 84-N	3202348	Others
9	Suresh Prasad Gupta	07.11.2021	City-SP Zone, Ward- 84-N	6808781	Others
10	Ramu	07.11.2021	City-SP Zone, Ward- 84-N	7265902	Others
11	Ganesh Paswan	07.11.2021	City-SP Zone, Ward- 84-N	6207923	Others
12	Mohd Wazir	07.11.2021	City-SP Zone, Ward- 84-N	8311601	Others
13	Sharad Chandra Jha	07.11.2021	City-SP Zone, Ward- 84-N	2653235	Others
14.	Mohammad Hasim	07.11.2021	City-SP Zone, Ward- 84-N	3239259	Others
15	Fareed	07.11.2021	City-SP Zone, Ward- 84-N	7237274	Others

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16	Wahid	07.11.2021	City-SP Zone, Ward- 84-N	6539163	Others
17	Mohd. Yaseen	07.11.2021	City-SP Zone, Ward- 84-N	8068376	Others
18	Rajkumari	07.11.2021	City-SP Zone, Ward- 84-N	4156991	Others
19	Amit Kumar	07.11.2021	City-SP Zone, Ward- 84-N	1443010	Others
20	Mohammad Nannhe	07.11.2021	City-SP Zone, Ward- 84-N	8355144	Others
21	Vinod Kumar	07.11.2021	City-SP Zone, Ward- 84-N	1653567	Others
22	Mohammad Naseem	07.11.2021	City-SP Zone, Ward- 84-N	1533514	Others
23	Mo Samim	07.11.2021	City-SP Zone, Ward- 84-N	8470264	Others
24	Ashish Kumar Saxena	07.11.2021	City-SP Zone, Ward- 84-N	4098939	Others
25	Mdsultan	07.11.2021	City-SP Zone, Ward- 84-N	2222856	Others
26	Mohammad Tayab Husain	07.11.2021	City-SP Zone, Ward- 84-N	7800371	Others
27	Bala	07.11.2021	City-SP Zone, Ward- 84-N	5218071	Others
28	Sumit Valecha	07.11.2021	City-SP Zone, Ward- 84-N	9161801	Others
29	Dhanpati Singh	07.11.2021	City-SP Zone, Ward- 84-N	5771871	Others
30	Poonam	07.11.2021	City-SP Zone, Ward- 84-N	7455557	Fresh Fruits/ Vegetables/ Perishables
31	Sunil Kumar	07.11.2021	City-SP Zone, Ward- 84-N	1245371	Others
32	Pradeep Kumar	07.11.2021	City-SP Zone, Ward- 84-N	1141965	Food/ Snacks without Gas Cylinder/ Fire
33	Munakka	07.11.2021	City-SP Zone, Ward- 84-N	9485267	Others
34	Mo Hafij Ansari	28.02.2022	City-SP Zone, Ward- 84-N	8516233	Others
35	Mohammad Nesarul	07.11.2021	City-SP Zone, Ward- 84-N	5063934	Others
36	Braghunath Gupta	28.02.2022	City-SP Zone, Ward- 84-N	8623821	Others
37	Puneeshwar Prasad	07.11.2021	City-SP Zone, Ward- 84-N	8197748	Others

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38	Umesh Paswan	07.11.2021	City-SP Zone, Ward- 84-N	1905539	Others
39	Munna Kumar	07.11.2021	City-SP Zone, Ward- 84-N	7360730	Food/ Snacks without Gas Cylinder/ Fire
40	Ramjee	07.11.2021	City-SP Zone, Ward- 84-N	5902792	Others
41	Gulam Hussain	07.11.2021	City-SP Zone, Ward- 84-N	1715919	Others
42	Jahangir	07.11.2021	City-SP Zone, Ward- 84-N	3812493	Others
43	Yusuf	07.11.2021	City-SP Zone, Ward- 84-N	5104188	Others
44	Jayant Kumar	07.11.2021	City-SP Zone, Ward- 84-N	3895389	Others
45	Md Hafij	31.01.2022	City-SP Zone, Ward- 84-N	9214402	Others
46	Mehboob Hassan	07.11.2021	City-SP Zone, Ward- 84-N	7270145	Others
47	Mehfooz Ali	07.11.2021	City-SP Zone, Ward- 84-N	3565220	Others
48	Mehtab	07.11.2021	City-SP Zone, Ward- 84-N	6914584	Others
49	Rizwana Begum	07.11.2021	City-SP Zone, Ward- 84-N	7238967	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), if any, also stand disposed of.

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

SIDDHARTH MRIDUL
(JUDGE)

GAURANG KANTH
(JUDGE)

JULY 11, 2023

MS

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

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