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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 16.08.2023

W.P.(C) 8155/2023

**DELHI PRADESH REHRI PATRI KHOMCHA HAWKERS
UNION & Ors.** Petitioners

Versus

GOVT OF NCT OF DELHI & Ors. Respondents

Advocates who appeared in this case:

For the Petitioner : Ms. Shobha Gupta and Mr. Aditya Ranjan, Advocates

For the Respondent: Mr. Divya Prakash Pande, Standing Counsel for R-2 to R-4/MCD.
Inspector Amarjeet Singh, P.S.: Nizamuddin, for R-5 & R-6/SHO.
Mr. Ajay Verma, Senior Advocate for R-7

CORAM:
HON'BLE MR. JUSTICE SIDDHARTH MRIDUL
HON'BLE MR. JUSTICE ANISH DAYAL

J U D G M E N T

Signature Not Verified

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W.P.(C) 8155/2023

Page 1 of 6



SIDDHARTH MRIDUL, J. (OPEN COURT)

CM APPL. 39692/2023 (for impleadment)

The present application under Section 151 of the Code of Civil Procedure (CPC), 1908, read with Order 1 Rule 10 of the CPC, 1908, has been instituted, on behalf of the applicants/petitioners, praying as follows:

- a) *“allow the present application for impleadment of proposed respondent no. 7 in the array of parties; and /or,*
- b) *Pass such other order or orders which this Hon'ble Court may deem fit and proper in the interest of justice.”*

Mr. Ajay Verma, learned senior counsel appearing on behalf of the Nizamuddin Markaz Mosque, the proposed respondent *herein*, on instructions states that without prejudice to the rights and contentions of the parties, they do not oppose the prayer of being impleaded as a respondent to the present writ petition.

Accordingly, Nizamuddin Markaz Mosque is impleaded as Respondent No.7 in the present writ petition.

The amended memo of parties be filed within a period of two days and the same be taken on record.



In view of the foregoing, the present application is allowed; and disposed of accordingly.

W.P.(C) 8155/2023 & CM APPL. 39690/2023 (for direction and interim relief)

1. The present writ petition under Article 226 of the Constitution of India, 1950 read with Section 151 of Code of Civil Procedure (CPC), 1908, has been instituted by the petitioners *herein*, praying as follows:

- a) “Allow the present writ petition by issuing a writ of mandamus or any other appropriate writ, order or direction, directing the respondents not to illegally and/or forcibly dispossess the petitioners no. 2-46 from their vending sites at Ward No. S-55, Central Zone, near Hazrat Nizamuddin Dargah, New Delhi; and/ or,
- b) Issue an appropriate writ, order or direction, directing the respondents to take action upon the representation/complaints made by the petitioners; and/ or,
- c) Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondent no. 3 & 4 to conduct survey in respect to the petitioners no. 4, 6, 8, 13, 19, 21, 29, 32, 33, 38, 40 & 46 and issue them also the vending certificates in compliance of provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014; and/ or,
- d) Pass such other order(s) this Hon'ble Court may deem fit and appropriate in the facts and circumstances of the present case.”



2. At the outset, although the pleadings in the present writ petition and the accompanying applications are not complete, with the consent of the learned counsel appearing on behalf of the parties, the present writ petition is taken up for final hearing.

3. Mr. Divya Prakash Pande, learned Standing Counsel appearing on behalf of Municipal Corporation of Delhi, ('MCD') states that the private petitioners, who have been issued Certificates of Vending (COV) shall be permitted to vend without any let or hindrance, strictly in accordance with the terms and conditions of their respective Certificates of Vending in their respective zone's and wards, in accordance with law.

4. Directed accordingly.

5. In so far as, the other petitioner Nos. **4, 6, 8, 13, 19, 21, 29, 32, 33, 38, 40 & 46**, who have not been issued Certificates of Vending (*as specified in prayer (c) of the present petition*) are concerned, the duly constituted Town Vending Committee ('TVC') shall consider the case of the above mentioned petitioners, at the time when the latter carries out the subject survey, in accordance with law.

6. Accordingly, it is relevant to highlight that this Court, *vide* order dated 16.02.2023, issued certain directions to the New Delhi Municipal



Council (NDMC) and GNCTD in W.P. (C) 12459/2022, titled as ‘*Bacchu Singh Paharia Vs. New Delhi Municipal Council & Anr.*’; which will extend to the abovementioned petitioners, as well, with equal force and vigour. The relevant portion of order dated 16.02.2023, passed in W.P. (C) 12459/2022, titled as ‘*Bacchu Singh Paharia Vs. New Delhi Municipal Council & Anr.*’ is extracted *herein below*:

“ Mr. Gautam Narayan, learned Additional Standing Counsel (Civil) appearing on behalf of the GNCTD states that the survey to be conducted by the duly constituted Town Vending Committee, shall commence forthwith, in accordance with the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street vending) Act 2014, as well as the Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 and The Government of National Capital territory of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019.

Mr. Sri Harsha Peechara, learned Additional Standing Counsel appearing on behalf of NDMC states, that they shall render assistance, as may be required by the GNCTD, in this behalf.

Directed accordingly. .”

7. Having regard to the facts and circumstances antecedent and attendant, in relation to the present writ petition and having heard learned counsel appearing on behalf of the parties; we dispose of the present writ petition, with a direction to the Town Vending Committee, to consider



the case of the above mentioned petitioners no. **4, 6, 8, 13, 19, 21, 29, 32, 33, 38, 40 & 46**, who have not been issued Certificates of Vending (*as specified in prayer (c) of the present petition*), at the time when the former carries out the subject survey, in accordance with law.

8. No further relief is prayed for.

9. Needless to state that in any event of difficulty, the parties are at liberty to approach this Court by way of appropriate proceedings, in accordance with law.

10. The writ petition is disposed of accordingly.

11. A copy of this order be uploaded on the website of this Court.

**SIDDHARTH MRIDUL
(JUDGE)**

**ANISH DAYAL
(JUDGE)**

AUGUST 16, 2023/rk

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