

#S-22

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 03.05.2023

W.P.(C) 10780/2022

MOHAMMAD SAGIR

...Petitioner

Versus

COMMISSIONER OF POLICE AND ORS.

...Respondents

Advocates who appeared in this case:

For the Petitioner : Ms. Shivalika, Mr. Kamlesh Kr. Mishra, Mr. Aditya, Mr. Kailash Kr. Jha, Mr. Bibhuti Bhushan Mishra, Mr. Anjani Mishra and Mr. Raghunath Pathak, Advocates.

For the Respondents : Mr. Abhinav Garg, Panel Counsel for R-1 & R-3/GNCTD.
Mr. Divya Prakash Pande, Standing Counsel for R-2/MCD.

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:-

“I. Pass an Order directing the respondents to ensure that that the petitioner is allowed to peacefully vend in terms of the vending

certificate issued to him, on his vending site i.e., in front of gate no.7, G.B. Pant Hospital, Delhi without any hindrance being caused by any public official.

II. Pass an order directing the SHO, PS I.P. Estate to ensure that the petitioner is not forcefully removed from his vending site by the Amit Kumar, Head Constable and or any other Police official.

III. Pass an order directing to the respondent no. 1 i.e., Commissioner of Police to take action against the erring police officials of the PS I.P. Estate and act on the complaints made by the petitioner herein as detailed in the present petition.

IV. Pass an order directing the respondents to consider the representation made by the petitioner and pass speaking orders disposing off the same after giving personal hearing to the petitioner.

V. Pass any such directions or order that this Hon'ble Court deems fit and proper in the facts and circumstances of the above-mentioned case.”

2. Issue notice.

3. Mr. Abhinav Garg, learned Panel Counsel accepts notice on behalf of the respondent Nos. 1 and 3/GNCTD and Mr. Divya Prakash Pande, learned Standing Counsel accepts notice on behalf of the respondent No. 2/MCD.

4. Learned Standing 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 movement.
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. 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 NDMC zones; pursuant to which, **Mr. Mohammad Sagir** has been issued a certificate of vending dated **07.11.2021, URI: 6099235**, which is annexed as **Annexure P-11**, to the present writ petition.

7. In view of the foregoing, learned counsel appearing on behalf of the petitioner, limits the relief in the present writ petition, to a direction to the Municipal Corporation of Delhi, to permit Mr. Mohammad Sagir to continue to vend within **City-SP Zone, Ward-88-N**, strictly and scrupulously in compliance with the terms and conditions of the said certificate of vending and in accordance with law.

8. In view of the above, the present writ petition is partly allowed; and the Municipal Corporation of Delhi is directed to permit Mr. Mohammad Sagir to vend within **City-SP Zone, Ward-88-N**, subject to the terms and conditions of the said certificate of vending dated 07.11.2021, without any let or hindrance.

9. Needless to state that the petitioner will be at liberty to articulate any difficulty faced by him, before the appropriate authorities, in accordance with law, in relation to the certificate of vending, insofar as it employs the expression '*Others*'.

10. No further directions are prayed for.

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

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

**SIDDHARTH MRIDUL
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

MAY 03, 2023/rs

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