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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 16.08.2023

W.P.(C) 10796/2023

MOHD FIROJ AND ORS

..... Petitioners

Versus

**MUNICIPAL CORPORATION OF DELHI THROUGH ITS
COMMISSIONER DR SP MUKHERJEE AND ORS.**

.... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Aditya, Mr. Kamlesh Kumar Mishra, Mr. Kailash Jha, Mr. Bibhuti Bhushan Mishra, Mr. Anjani Kumar Mishra & Mr. Dipak Raj, Advocates.

For the Respondents : Ms. Tajinder Viridi, Standing Counsel for MCD with Ms. Preeti Giri, Ms. Chetna Dhudheria, Advocates for MCD.
Mr. Laksh Khanna, Advocate for GNCTD.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE ANISH DAYAL

J U D G M E N T

SIDDHARTH MRIDUL, J. (OPEN COURT)

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CM APPL. 41834/2023 (Exemption) & CM APPL. 41835/2023 (Exemption)

1. Exemptions allowed, subject to just exceptions.
2. The applications are disposed of accordingly.

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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 rectify the certificates of the Petitioners to 'Stationery street vendors' as details 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 the stationary vendors;

f) Pass such other or further order(s) as this Hon'ble Court deems fit under the facts and circumstances of the case.

AND FOR THE ACT OF KINDNESS THE PETITIONERS ARE DUTY

BOUND SHALL EVER PRAY

2. Issue notice.
3. Ms. Tajinder Viridi, learned Standing Counsel, accepts notice on behalf of the MCD and Mr. Laksh Khanna, learned counsel accepts notice on behalf of the 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 Certificates 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 petitioners, at this stage. Learned counsel appearing on behalf of the petitioners states, that they do not pray for the relief of running their business from any particular vending site, within the zone where he has been permitted to vend by the Municipal Corporation of Delhi, and further, the limited 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.



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	Mohammad. Firoj	07.11.2021	City-SP Zone, Ward-84-N	4992597	Food/Snack with gas cylinder/fire
2	Prem Kumar Shukla	07.11.2021	City-SP Zone, Ward-84-N	9664722	Food/Snack with gas cylinder/fire
3	Tushar	07.11.2021	City-SP Zone, Ward-84-N	1461129	Food/Snack with gas cylinder/fire
4	Kamal Deep	07.11.2021	City-SP Zone, Ward-84-N	6790147	Food/Snack with gas cylinder/fire
5	Mukutmani	07.11.2021	City-SP Zone, Ward-84-N	9438843	Food/Snack with gas cylinder/fire
6	Taranjeet Singh	07.11.2021	City-SP Zone, Ward-84-N	8894164	Food/Snack with gas cylinder/fire
7	Juber Alam	07.11.2021	City-SP Zone, Ward-84-N	5933046	Food/Snack with gas cylinder/fire
8	Nem Chand	07.11.2021	City-SP Zone, Ward-84-N	8340607	Food/Snack with gas cylinder/fire

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9	Raheem	07.11.2021	City-SP Zone, Ward-84-N	8382037	Food/Snack with gas cylinder/fire
10	Vechan Thakur Rajkumar	07.11.2021	City-SP Zone, Ward-84-N	3643337	Food/Snack with gas cylinder/fire
11	Md. Israil	07.11.2021	City-SP Zone, Ward-84-N	5542404	Food/Snack without gas cylinder/fire
12	Tajinder Singh	07.11.2021	City-SP Zone, Ward-84-N	3184333	Food/Snack with gas cylinder/fire
13	Asgar Alam	07.11.2021	City-SP Zone, Ward-84-N	9159957	Food/Snack with gas cylinder/fire
14.	Masud	28.02.2022	City-SP Zone, Ward-84-N	8636061	Food/Snack with gas cylinder/fire
15	Sekh Abdul Hussain	07.11.2021	City-SP Zone, Ward-84-N	5798864	Food/Snack with gas cylinder/fire
16	Mohd. Alam	07.11.2021	City-SP Zone, Ward-84-N	2848866	Food/Snack without gas cylinder/fire

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 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 certificate 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 the above-mentioned petitioners/street vendors, to vend within **City-SP Zone**,



Ward-84-N, subject to the terms and conditions of their certificates of vending, without any let or hindrance.

10. Needless to state that, insofar as prayer clause (d) is concerned, the petitioners will be at liberty to prosecute their representations, appended to this petition, before the appropriate authorities, in accordance with law, in relation to the certificate of vending.

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)**

**ANISH DAYAL
(JUDGE)**

AUGUST 16, 2023
Aanchal

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