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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 06.09.2023

**W.P.(C) 11211/2023, CM APPL. 43672/2023 (for ad-interim relief),
CM APPL. 43675/2023 (seeking permission to file lengthy list of
dates) & CM APPL. 44167/2023 (for placing additional documents
on record)**

KRISHANPAL SINGH

..... Petitioner

versus

MUNICIPAL CORPORATION OF DELHI & ORS..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Varun Singh, Ms. Kajal Gupta, Ms. Smriti
Wadhwa and Ms. Somesa Gupta, Advocates.

For the Respondents : Ms. Tajinder Viridi, Standing Counsel for R-1 & R-
2/MCD (through video-conferencing).
Mr. Divyam Nandrajog, Panel Counsel, GNCTD along
with Mr. Mayank Kamra, Advocate for R-3/SHO, P.S.:
South Shahdara Zone.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE ANISH DAYAL

Signature Not Verified

Digitally Signed
By: DURGESH NANDAN
Signing Date: 16.09.2023
12:00:46

W.P.(C) 11211/2023

Page 1 of 7



J U D G M E N T

SIDDHARTH MRIDUL, J. (OPEN COURT)

1. The present writ petition under Article 226 and 227 of the Constitution of India, 1950, has been instituted on behalf of the petitioner, praying as follows:-

“It is, therefore, most respectfully and humbly prayed from this Hon’ble Court that this Writ Petition may please be allowed. It is further prayed that this Hon’ble Court may:-

- a. Issue appropriate writ, order and/ or direction against the Respondent No. 1 & 3 for abusing his power and prohibiting Respondent No. 1 & 3 from continuously harassing the Petitioner.
- b. Issue appropriate writ, order and/ or direction allowing the Petitioner to carry of the business as Street Vendor peacefully and in accordance with his Certificate of Vending, without any illegal interference from the Respondent authorities.
- c. Any other order which this Hon’ble Court may deem fit in the facts and circumstances of the case may also be passed.”

2. Issue notice.

3. Ms. Tajinder Viridi, learned Standing Counsel, accepts notice on behalf of the respondent Nos. 1 and 2/MCD and Mr. Divyam Nandrajog,



learned Panel Counsel accepts notice on behalf of the respondent No. 3/SHO, P.S.: South Shahdara Zone.

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 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. In terms of the Certificate of Vending issued to the petitioner, it is clearly stipulated that he 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 petitioner states that, he does not pray for the relief of running his business from any particular vending site, within the zone where he has been permitted to vend 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 zone; pursuant to which, the petitioner, namely, **Mr. Krishanpal Singh**, has been issued certificate of



vending dated **24.11.2021**, which is annexed as **Annexure P-2**, to the present writ petition.

8. In view of the foregoing, learned counsel appearing on behalf of the petitioner, categorically limits the relief in the present writ petition, i.e. to a direction to the Municipal Corporation of Delhi, to permit **Mr. Krishanpal Singh**, to continue to vend within **Shahdara South Zone, Ward-18E, URI: 7737582**, 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 **Mr. Krishanpal Singh**, to vend within **Shahdara South Zone, Ward-18E**, subject to the terms and conditions of the aforementioned certificate of vending dated **24.11.2021**, without any let or hindrance.

10. No further directions are prayed for.

11. With the above directions, the writ petition is disposed of accordingly. The pending applications also stand disposed of.

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



**SIDDHARTH MRIDUL
(JUDGE)**

**ANISH DAYAL
(JUDGE)**

SEPTEMBER 06, 2023/rs

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