



#S-42

IN THE HIGH COURT OF DELHI AT NEW DELHI*Judgment Delivered On: 06.09.2023***W.P.(C) 11379/2023 & CM APPL. 44276/2023 (for ad-interim relief)****AMRIT LAL CHAURASIYA & ANR.**

..... Petitioners

versus**MUNICIPAL CORPORATION OF DELHI & ORS...Respondents****Advocates who appeared in this case:**

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

For the Respondents : Ms. Vandana Sehgal, Advocate for R-1 & R-2.
Ms. Priyam Agarwal, Advocate for Mr. Sanjay Lao,
Standing Counsel (Criminal) for R-3/P.S.: South
Shahdara Zone.

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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By: DURGESH NANDAN
Signing Date: 16.09.2023
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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 petitioners, 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 Petitioners.
- b. Issue appropriate writ, order and/ or direction allowing the Petitioners to carry of the business as Street Vendor peacefully and in accordance with their Certificate of Vending, without any illegal interference from the Respondent authorities.
- c. Allow the petitioners the same relief as prayed for in W.P.(C)10710/2023 in pursuance of this Hon'ble Court's oral directions for filing separate writ for separate category of street vendors;
- d. 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. Vandana Sehgal, learned counsel accepts notice on behalf of the respondent Nos. 1 and 2/MCD and Ms. Priyam Agarwal, learned counsel accepts notice on behalf of the respondent No. 3/P.S.: South Shahdara Zone.
4. Learned 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 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 vendors 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 they have 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 zones; pursuant to which, the following petitioners have been issued certificates of vending, which are annexed as **Annexure P-2** and **Annexure P-3**, 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	Mr. Amrit Lal Chaurasiya	08.11.2021	Shahdara South Zone, Ward-19E	4410174	Others
2	Mr. Mushrraf	24.11.2021	Shahdara South Zone, Ward-14E	3885574	Others

8. In view of the foregoing, learned counsel appearing on behalf of the petitioners, categorically limits the relief in the present writ petition, i.e. to a direction to the Municipal Corporation of Delhi, to permit the petitioner No.1, namely, Mr. Amrit Lal Chaurasiya, to continue to vend within **Shahdara South Zone, Ward-19E** and the petitioner No. 2, namely, Mr. Mushrraf, to continue to vend within **Shahdara South**



Zone, Ward-14E respectively, strictly and scrupulously in compliance with the terms and conditions of the said certificates 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 petitioner No.1, namely, **Mr. Amrit Lal Chaurasiya**, to continue to vend within **Shahdara South Zone, Ward-19E** and the petitioner No. 2, namely, **Mr. Mushrraf**, to continue to vend within **Shahdara South Zone, Ward-14E** respectively, subject to the terms and conditions of the aforementioned certificates of vending dated **08.11.2021** and **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 application also stands 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*](#)