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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 06.09.2023

W.P.(C) 11838/2023

SANJAY KUMAR & ORS.

..... Petitioners

Versus

MUNICIPAL CORPORATION OF DCLHI AND ORS. Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Mohd. Asif and Mr. Aagam Jain, Advocates.

For the Respondents : Mr. Puneet Yadav, ASC for R-1/MCD.
Mr. Divyam Nandrajog, Panel Counsel, GNCTD along
with Mr. Mayank Kamra, Advocate for R-3, R-4 & R-5.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE ANISH DAYAL

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SIDDHARTH MRIDUL, J. (OPEN COURT)

CM APPL. 46247/2023 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of accordingly.

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

“In the above-mentioned facts and circumstances, it is most respectfully prayed that this Hon’ble Court may be pleased to:

(A) Pass an Order directing the respondents to ensure that the petitioners be allowed to peacefully vend on her vending site, on Cycle Market, Splended Road, City-Sp Zone, Ward-84-N, Chandni Chowk, Delhi 110006, in accordance with the provisions of the Street Vendors (Protection Of Livelihood And Regulation Of Street Vending) Act, 2014, without any hindrance being caused by any public official; &

(B) Pass an order directing the respondents, their officials, their agents etc. be restrained from harassing the petitioners from peacefully vending at their vending sites; &

(C) Pass an order directing the SHO, PS **Kotwali, Chandini Chowk** to ensure that the petitioners street vendor shall not be forcefully removed from his vending site; &



(D) Award costs of filing this Petition to the Petitioners; &

(E) Pass any such directions or order which this Hon'ble court deems fit and proper in the facts and circumstances of the above mentioned case.”

2. Issue notice.
3. Mr. Puneet Yadav, learned Additional Standing Counsel, accepts notice on behalf of the respondent No. 1/MCD and Mr. Divyam Nandrajog, learned Panel Counsel, GNCTD, accepts notice on behalf of the respondent Nos. 3, 4 and 5.
4. Learned Additional 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 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 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 zones 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-6**, 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. Sanjay Kumar	07.11.2021	City-SP Zone, Ward-84-N	4228579	Others
2	Mr. Ashok Dhawan	07.11.2021	City-SP Zone, Ward-84-N	1220864	Others
3	Mr. Prabhat Khanna	07.11.2021	City-SP Zone, Ward-84-N	6393770	Others
4	Mr. Ramji Gupta	07.11.2021	City-SP Zone, Ward-84-N	7303490	Others
5	Mr. Devi Prasad	07.11.2021	City-SP Zone, Ward-84-N	1221454	Others

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6	Mr. Mukhtar Ahmed	07.11.2021	City-SP Zone, Ward-84-N	4268477	Others
7	Mr. R.K. Mishra	07.11.2021	City-SP Zone, Ward-84-N	6137856	Others
8	Mr. Raju	07.11.2021	City-SP Zone, Ward-84-N	3043899	Others
9	Mr. Suraj Sharma	07.11.2021	City-SP Zone, Ward-84-N	4353268	Others
10	Mr. Kishor Thakur	07.11.2021	City-SP Zone, Ward-84-N	7177739	Others
11	Ms. Sunam Devi	07.11.2021	City-SP Zone, Ward-84-N	3832429	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 aforesaid petitioners to continue to vend within **City-SP Zone, Ward-84-N**, 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 petitioners to vend within **City-SP Zone, Ward-84-N**, subject to the



terms and conditions of the aforementioned certificates of vending dated **07.11.2021**, without any let or hindrance.

10. Needless to state that the petitioners will be at liberty to articulate the difficulties faced by them, before the appropriate authorities, in accordance with law, in relation to the certificates of vending, insofar as it employs the expression '*Others*'.

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)**

SEPTEMBER 06, 2023/rs

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