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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 22.09.2023

W.P.(C) 12183/2023

REHRI PATRI EKTA MANCH SUBHASH PARK AND ORS

..... Petitioners

versus

MCD AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Kamlesh Kumar Mishra, Advocate.

For the Respondents : Ms. Puja Kalra, Standing Counsel for R-1/MCD.
Mr. Sanjay Lao, Standing Counsel (Criminal) for R-3 & R-4/SHO.

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)

CM APPL. 49520/2023 (for deleting the petitioner Nos. 6, 8 and 25 from the array of memo of parties and to put on record the amended memo of parties)



1. The present application under Section 151 of the Code of Civil Procedure (CPC), 1908, has been instituted on behalf of the applicants/petitioner Nos. 6, 8 and 25, praying as follows:-

“In the facts and circumstances stated herein above, it is Most Respectfully prayed that this Hon'ble Court may graciously be pleased to:

I. Allow the Petitioner No.6, 8 & 25 to withdraw from the present petition with liberty to avail the appropriate legal remedies.

II. Allow the Petitioner No.6, 8 & 25 for deletion from the array of memo of parties in the present writ petition.

III. Allow to put on record the amended memo of parties.

IV. 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.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.”

2. Issue notice.

3. Ms. Puja Kalra, learned Standing Counsel, accepts notice on behalf of the non-applicant/respondent No. 1/MCD and Mr. Sanjay Lao, learned Standing Counsel (Criminal) accepts notice on behalf of the non-applicants/respondent Nos. 3 and 4/SHO and fairly do not oppose the present application.

4. In view of the foregoing and the reasons stated in the application, which is duly supported by an affidavit, the same is allowed and resultantly,



the names of the petitioner No. 6, namely, Mr. Ateequr Rehman, petitioner No.8, namely, Mr. Saeed Ud Din and petitioner No.25, namely, Mr. Ameenuddin, are deleted from the array of memo of parties, in the accompanying writ petition.

5. The application is disposed of accordingly.

6. Let the amended memo of parties be taken on the record *forthwith*.

W.P.(C) 12183/2023

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

“In the facts and circumstances stated herein above, it is Most Respectfully prayed that this Hon'ble Court may graciously be pleased to:

I. Pass an order directing the respondents to allow the petitioner no. 2 to 25 to peacefully vend in terms of the Certificate of Vending issued to them.

II. Pass an Order directing the respondents to ensure that the petitioner no. 2 to 25 be allowed to peacefully vend on their vending sites i.e. On the Footpath, Neta Ji Subhash Park to Jama Masjid Metro Station Gate No-4, City SP Zone, Ward-85-N without any hindrance being caused by any public official.”

8. Issue notice.

9. Ms. Puja Kalra, learned Standing Counsel, accepts notice on behalf of



the respondent No. 1/MCD and Mr. Sanjay Lao, learned Standing Counsel (Criminal) accepts notice on behalf of the respondent Nos. 3 and 4/SHO.

10. Learned Standing Counsel appearing on behalf of the MCD, has invited our attention to the terms and conditions, permitting the petitioners to vend.

11. 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.”

12. 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, 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 dated **31.01.2022** and **12.04.2022**, issued by the Municipal Corporation of Delhi.

13. 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-3**, to the present writ petition.

<u>S.NO.</u>	<u>NAME OF THE STREET VENDORS</u>	<u>DATE OF ISSUE OF VENDING CERTIFICATES</u>	<u>PLACE OF VENDING</u>	<u>VENDING CERTIFICATES (URI)</u>	<u>CATEGORY OF THE COV ISSUED</u>



2.	Mr. Mohd Waseem	31.01.2022	City-SP Zone, Ward- 85-N	4486502	Others
3.	Mr. Mohd Rafat	31.01.2022	City-SP Zone, Ward- 85-N	2546280	Others
4.	Ms. Saima	12.04.2022	City-SP Zone, Ward- 85-N	6853694	Others
5.	Mr. Mohd Naeem	31.01.2022	City-SP Zone, Ward- 85-N	3574976	Others
6.	Mr. Mohd. Akhlas	12.04.2022	City-SP Zone, Ward- 85-N	7211253	Others
7.	Mr. Zainul Abeddin	31.01.2022	City-SP Zone, Ward- 85-N	8594832	Others
8.	Mr. Mohammad Abid	31.01.2022	City-SP Zone, Ward- 85-N	7733730	Others
9.	Mr. Mohd. Wasit	31.01.2022	City-SP Zone, Ward- 85-N	9276319	Others
10.	Mr. Mohammad Muzammil	31.01.2022	City-SP Zone, Ward- 85-N	7894410	Others
11.	Mr. Mohd Daud	31.01.2022	City-SP Zone, Ward- 85-N	1470789	Others
12.	Mr. Mushtaq Ahmed	12.04.2022	City-SP Zone, Ward- 85-N	9305373	Others
13.	Mr. Mohd Sadiq	31.01.2022	City-SP Zone, Ward- 85-N	2506656	Others
14.	Mr. Moinuddin	31.01.2022	City-SP Zone, Ward- 85-N	1374124	Others
15.	Mr. Mohd Rashid	31.01.2022	City-SP	3545870	Others



			Zone, Ward-85-N		
16.	Mr. Mohd Anas	31.01.2022	City-SP Zone, Ward-85-N	6942008	Others
17.	Mr. Rizwan Hasan	31.01.2022	City-SP Zone, Ward-85-N	2363745	Others
18.	Mr. Muteem Ahmed	12.04.2022	City-SP Zone, Ward-85-N	8284430	Others
19.	Mr. Muteeq Ahmed	31.01.2022	City-SP Zone, Ward-85-N	2267622	Others
20.	Mr. Kani Ram	31.01.2022	City-SP Zone, Ward-85-N	2602939	Others
21.	Mr. Mohd Yusuf	31.01.2022	City-SP Zone, Ward-85-N	5962784	Others
22.	Mr. Razi Ahmad	31.01.2022	City-SP Zone, Ward-85-N	7709624	Others

14. In view of the foregoing, learned counsel appearing on behalf of the petitioners, seeks a solitary relief in the present writ petition, i.e. a direction to the Municipal Corporation of Delhi, to permit the above-said petitioners, to continue to vend within **City-SP Zone, Ward-85-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.

15. In view of the above, the present writ petition is allowed; and the



Municipal Corporation of Delhi is directed to permit the above-said petitioners, to vend within **City-SP Zone, Ward-85-N**, subject to the terms and conditions of the said certificates of vending dated **31.01.2022** and **12.04.2022**, without any let or hindrance.

16. Needless to state that the petitioners will be at liberty to articulate the difficulties faced by them, before the appropriate authorities i.e. Town Vending Committee (TVC), at the time they carry out the subject survey, in accordance with law, in relation to the certificates of vending, insofar as it employs the expression '*Others*'.

17. No further directions are prayed for.

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

19. The date already fixed i.e. 16.10.2023, stands cancelled.

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

**SIDDHARTH MRIDUL
(JUDGE)**

**ANISH DAYAL
(JUDGE)**

SEPTEMBER 22, 2023/rs

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