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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 22.09.2023

W.P.(C) 12567/2023

MEENA BAZAR STREET VENDORS AND HAWKERS
SANGTHAN AND ORS Petitioners

Versus

MUNICIPAL CORPORATION OF DELHI AND ORS
.... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Aditya, Mr. Anjani Kumar Mishra & Mr.
Bhibhuti Bhushan Mishra, Advocates.

For the Respondents : Ms. Puja Kalra, Standing Counsel for MCD with Mr.
Virendra Singh, Advocate.
Mr. Divyam Nandrajog, Panel Counsel GNCTD with
Mr. Jatin Dua, Advocate.

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)



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:-

“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 24 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 24 be allowed to peacefully vend on their vending sites i.e., On the Pavement, Near Jama Masjid Gate No. 2, Meena Bazar, City SP Zone, Ward-85-N without any hindrance being caused by any public official.

III. Pass an order directing the respondents, their officials, their agents etc. be restrained from harassing the petitioner no. 2 to 24 from peacefully vending at their vending sites.

IV. Pass an order directing the SHO, PS Jama Masjid to ensure that the petitioner street vendors shall be allowed to peacefully vend at their vending sites.

V. Pass an order directing the respondent MCD to correct the nomenclature in the column for Type of Vendor from "Others" to "Stationary Street Vendor" (in view of the Section 6 of the Act) as detailed in the vending certificates issued to the petitioner no. 2 to 24.

VI. Pass an order directing the TVC, City SP Zone to decide the representation dated 13.09.2023 made by the petitioner no. 2 to 24 for declaring them as a Stationary Street Vendor in terms of the Section 6 of the Act.

VII. 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.”

2. Issue notice.



3. Ms. Puja Kalra, learned Standing Counsel appearing on behalf of Municipal Corporation of Delhi (MCD), and Mr. Divyam Nandarajog, learned panel counsel appearing on behalf of the GNCTD accept notice.

4. Learned Standing Counsel appearing on behalf of the MCD, has handed-up in the Court today, the terms and conditions, permitting the petitioners to vend. Let the same be taken on the record

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 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 they have been permitted to vend by the Municipal Corporation of Delhi, and further, the solitary 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 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 CERTIFICATE</u>	<u>PLACE OF VENDING</u>	<u>VENDING CERTIFICATE (URI)</u>	<u>CATEGORY OF THE COV ISSUED</u>
1.	Savitri	31.01.2022	City-SP Zone, Ward-85-N	1140127	<i>Others</i>
2.	Mohammad Haider Ali	31.01.2022	City-SP Zone, Ward-85-N	4081880	<i>Others</i>
3.	Mushtaq Ansari	31.01.2022	City-SP Zone, Ward-85-N	2888053	<i>Others</i>
4.	Mohd. Amiruddin	31.01.2022	City-SP Zone, Ward-85-N	6653005	<i>Others</i>
5.	Halima	31.01.2022	City-SP Zone, Ward-85-N	9143197	<i>Others</i>



6.	Jumman	31.01.2022	City-SP Zone, Ward-85-N	9398853	<i>Others</i>
7.	Md Mehrb Uddin	31.01.2022	City-SP Zone, Ward-85-N	8910439	<i>Others</i>
8.	Pradeep Kumar	31.01.2022	City-SP Zone, Ward-85-N	5312616	<i>Others</i>
9.	Hasibuddin	31.01.2022	City-SP Zone, Ward-85-N	3767136	<i>Others</i>
10.	Mohd. Israr	31.01.2022	City-SP Zone, Ward-85-N	3149933	<i>Others</i>
11.	Shivalak Sahni	31.01.2022	City-SP Zone, Ward-85-N	9237493	<i>Others</i>
12.	Aas Mohammad	31.01.2022	City-SP Zone, Ward-85-N	3758240	<i>Others</i>
13.	Shajid Alam	31.01.2022	City-SP Zone, Ward-85-N	3926666	<i>Others</i>
14.	Mohammad Jaheer	31.01.2022	City-SP Zone, Ward-85-N	2278955	<i>Others</i>
15.	Habibuddin	12.04.2022	City-SP Zone, Ward-85-N	4942235	<i>Others</i>
16.	Balram Singh	31.01.2022	City-SP Zone, Ward-85-N	4565192	<i>Others</i>
17.	Md Abdul Hakim Mondal	31.01.2022	City-SP Zone, Ward-85-N	3625936	<i>Others</i>
18.	Yogesh Kumar Yadav	31.01.2022	City-SP Zone, Ward-85-N	6404421	<i>Others</i>
19.	Md. Raja	31.01.2022	City-SP Zone, Ward-85-N	4189604	<i>Others</i>
20.	Dhari Prasad	12.04.2022	City-SP Zone, Ward-85-N	7577373	<i>Others</i>
21.	Iqbal Ahmad	31.01.2022	City-SP Zone, Ward-85-N	5203984	<i>Others</i>
22.	Parvez Alam	31.01.2022	City-SP Zone, Ward-85-N	9395542	<i>Others</i>
23.	Raj Pal Kashyap	31.01.2022	City-SP Zone, Ward-85-N	9943275	<i>Others</i>

8. In view of the foregoing, learned counsel appearing on behalf of the

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petitioners, 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-85-N**, strictly and scrupulously in compliance with the terms and conditions of the said Certificates of Vending.

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 street vendors, to vend within their respective zones, subject to the terms and conditions, as specified in the Certificates of Vending, without any let or hindrance.

10. Needless to state that, insofar as prayer clause **V** and **VI** are concerned, the petitioners will be at liberty to prosecute their representations and articulate any difficulties faced by them, before the appropriate authorities, in accordance with law, in relation to the certificate of vending, insofar as it employs the expression '*Others*'.

11. No further directions are prayed for.

12. With the above directions, the present writ petition is partly allowed; and 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 22, 2023
Aanchal