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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 283/2024 & CM Appl.1267/2024

PREMA SINGH

..... Petitioner

Through: Mr. Bibhuti Bhushan Mishra, Mr.
Kamlesh Kumar Mishra, Ms. Renu,
Mr. Aditya and Mr. Kailash, Advs.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS. Respondents

Through: Mr. Chetanya Singh, Adv. for
NDMC.

Mr. Divyam Nandrajog, Panel
Counsel, GNCTD with Mr. Jatin Dua,
Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

09.01.2024

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1. The petitioner has filed the present petition *inter-alia* praying as under:

“I. For an order directing the officials of the NDMC as well as Delhi Police to allow the Petitioner to peacefully vend at her vending spot i.e besides shop no. 96, Mother Dairy Chowk, Sarojini Nagar, Delhi.

II. That the petitioner be included in the survey which the Town Vending Committee (TVC) of the NDMC area is going to conduct in the Sarojini Nagar Market in accordance with the provisions of THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) ACT, 2014 at the same spot

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where the petitioner has been vending since the year 2011 and the details of which have been mentioned in para 5 of the Petition.

III. pass an order directing the respondents to consider and pass appropriate orders on the representations made by the Petitioner to the concerned authorities after giving opportunity of being heard to the petitioner.”

2. The petitioner claims that she has been vending besides shop no. 96, Mother Dairy Chowk, Sarojini Nagar, New Delhi and apprehends that she would not be included in the survey. Prayer (a) in the petition states that she be permitted to continue vending besides shop no. 96, Mother Dairy Chowk, Sarojini Nagar, New Delhi till the disposal of the above-captioned writ petition.

3. In so far as the petitioner's prayer to include her in the survey is concerned, the learned counsel appearing for the respondents submits that in terms of paragraph 1.1.12 of the Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme 2019, all persons claiming to be street vendors would be provided an opportunity to submit evidence in support of their claim that they were engaged in street vending. He submits that this would be irrespective of whether a street vendor has been found at the given site or not.

4. The respondent is bound down to the statement made by his counsel.

5. In view of the above statement, the petitioner's prayer that she may be included in the survey is clearly addressed.

6. In so far as the petitioner's claim that she be permitted to vending besides shop no. 96, Mother Dairy Chowk, Sarojini Nagar, New Delhi is concerned, this Court cannot pass any such orders at this stage as the issue,

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whether she has been vending at the given site is required to be determined by the concerned authority.

7. The petition is accordingly, disposed of. The pending application is also disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

JANUARY 9, 2024/r

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Click here to check corrigendum, if any

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