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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 786/2024**
BHUSHAN SAH

..... Petitioner

Through: Mr.Dipak Raj, Mr.Bibhuti Bhushan
Mishra, Mr.Kamesh Kumar Mishra
Mr.Aditya, and Mr.Kailash Kumar
Jha, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

..... Respondent

Through: Mr.Rishikuesh Kumar, ASC,
Ms.Sheenu Priya, Mr.Atik Gill,
Mr.Sudhir Kumar Shukla, Mr.Sudhir
and Mr.Sumit Choudhary, Advocates
for GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **19.01.2024**

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

“I. Pass an order directing the respondents to allow the
petitioner street vendor to peacefully vend at his vending site
i.e., On the Footpath, Mahatma Gandhi Road, Near Foot
Over Bridge Escalator, ISBT Kashmere Gate, City-SP Zone,
Ward-83-N, New Delhi without any Let or hindrance being
caused by any public official.

II. Pass an Order directing the respondents to allow the
petitioner street vendor to peacefully vend in terms of
vending Certificate issued by the Municipal Corporation of
Delhi after conducting the survey of the petitioner.

III. Pass an order directing the respondents, their officials,
their agents etc. be restrained from harassing the petitioners
from peacefully vending at their vending sites.

IV. Pass an order directing the SHO, PS Kashmere Gate to
ensure that the petitioner street vendor shall not be forcefully
removed from his vending site.



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** as detailed in the vending certificate

issued to the petitioner.

VI. Pass an order for quashing and setting aside the terms of certificate of vending printed at the back side of the vending certificate to the extent which is not applicable to a stationary street vendor.

VII. Pass an order directing the respondents to decide the representation dated 05.01.2024 made by the petitioner by passing a speaking order.

VIII. 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. The petitioner has also filed the site plan indicating that he had occupied part of the footpath. Plainly, the petitioner cannot be permitted to encroach upon the footpath. Thus, the relief as prayed for cannot be granted to the petitioner. However, the Certificate of Vending indicates that the petitioner can carry out his vending activities in City-SP Zone, Ward-83-N, New Delhi. It is clarified that the petitioner is permitted to carry out the vending activities within the said area subject to the compliance of the terms and conditions of the Certificate of Vending.

3. The petition stands disposed of with aforesaid observations.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

JANUARY 19, 2024

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Click here to check corrigendum, if any