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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 776/2023 CM APPL. 32881/2023 CM APPL. 46361/2023**

SUMIT CHAUDHARY

..... Petitioner

Through: Mr. Kamlesh Kr. Mishra, Mr. Bibhuti
Bhushan Mishra, Mr. Dipak Raj, Ms.
Tripti Juyal, Ms. Renu and Ms.
Shivani Verma, Advs.

Versus

MUNICIPAL CORPORATION OF DELHI AND ORS

..... Respondent

Through: Mr. Tushar Sannu, SC with Mr.
Manoviraj Singh, Adv. for MCD.
SI Upendar Singh, PS V.K. South.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

10.04.2024

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

“I. Pass an Order directing the respondents to ensure that that the petitioner is allowed to peacefully vend in terms of the vending certificate issued to him on his vending site i.e., near Power House D2, Vasant Kunj, South Zone 11 Ward: S-69, without any hindrance being caused by any public official.

II. Pass an order directing the SHO, PS Vasant Kunj (South) to ensure that the petitioner shall not be forcefully removed from his vending site by the Nagender Singh, Head Constable (Respondent No. 5) and or any other Police official.

III. Pass an order directing to the respondent no. 1 i.e.,



Commissioner of Police to take action against the erring police officials of the PS Vasant Kunj (South) and act on the complaints made by the petitioner herein as detailed in the present petition..”

2. The petitioner has been issued a Certification of Vending (COV) which indicates the vending area as South Zone, Ward- S-69. Admittedly, the petitioner does not have a Tehbazari license for vending from a fixed site. Thus, in accordance with the terms and conditions of the COV, the petitioner is proscribed from vending at a particular place for more than 30 minutes or any such time as may be determined by the Town Vending Committee (TVC).
3. The petitioner has also sought a direction that he be not removed from his vending site.
4. We are not persuaded to accept the same.
5. Admittedly, no specific site was allotted to the petitioner. The TVC is required to conduct a survey and NDMC is required to prepare a vending plan in terms of Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 in consultation with the TVC. Thus, till a decision is taken by the TVC, the petitioner is required to be considered as “*Mobile Vendor*”.
6. The learned counsel appearing for the respondents submit that they would have no objection if the petitioner carries on the vending activities, subject to the same being strictly in accordance with the COV and in compliance with other applicable laws.
7. In view of the above, we dispose of the present petition by directing the respondents not to interdict or interfere with the petitioner’s vending activities, subject to the petitioner complying with the terms and conditions



of the COV as well as other applicable laws.

8. The petition is disposed of in the aforesaid terms. Pending applications also stand disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

APRIL 10, 2024/r

Click here to check corrigendum, if any