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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 146/2021 & CM APPL. 434/2021 and CM APPL. 30527/2023**

SH. KISHORE GUPTA

..... Petitioner

Through: Mr. Adv. (appearance not given).
versus

NEW DELHI MUNICIPAL COUNCIL & ANR. Respondents

Through: Mr. Sriharsha Peechara, Standing
Counsel with Ms. Devika Mohan,
ASC for R-1/NDMC.
Mr. Divyam Nandrajog, Panel
Counsel, GNCTD with Mr. Mayank
Kumar, Adv. for R-2.

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 praying as under:

"A. Direct the Respondents not to dispossess or obstruct or disturb the Petitioner in carrying on his trade from his site at backside of Bank of Baroda, Mini Market, Janpath Lane, New Delhi, In terms of section 3(3) of the street vendors {Protection of Livelihood and Regulation of Street Vending} Act 2014 and;

B. Further to conduct the survey of the petitioner and to issue certificate of vending in favour of the petitioner as per the provisions of the Street Vendors {protection of livelihood and regulation of street vending} Act 2014."

2. The learned Counsel for respondent no.1/NDMC submits the challans filed by the petitioner along with the petition are recent vintage – from 09.03.2015 till 12.02.2018. He states that the petitioner has not been

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vending at these sites for the last few years. The learned counsel for the petitioner is unable to counter the same.

3. In view of the above, the petitioner's first prayer that the respondents be restrained from disturbing the petitioner from carrying on his trade at the given site (Mini Market, Janpath Lane, New Delhi), cannot be granted. Admittedly, the petitioner was not one of the unauthorised vendors, which was included in the list of 628 vendors prepared by NDMC at the material time. The petitioner is also not covered under the 2007 scheme.

4. In so far as the petitioner's prayer that he be included in this survey is concerned, learned counsel for the respondent submits that the petitioner would be at liberty to apply to the Town Vending Committee (TVC) along with all the documents which support his case and the same would be duly considered while undertaking the survey.

5. The respondent no.1/NDMC is bound down to the said statement.

6. The petition is disposed of in the aforesaid terms.

7. All pending applications are also disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

JANUARY 19, 2024/SA

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

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