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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 939/2024 & CM Appls.3903-04/2024

VINOD MAHTO

..... Petitioner

Through: Mr. Brajesh Pandey, Mr. Manish
Kumar Vikkey and Ms. Kanchan
Kumar Jha, Advs.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Tushar Sannu, Adv. for GNCTD.
Mr. Abhinav Swarup, Adv. for R-
2/MCD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

22.01.2024

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

“Issue writ of Mandamus or any other appropriate writ or order directing the Respondent No.2 and 3 not to dispossess or obstruct or disturb the Petitioner in carrying on his trade from his respective squatting sites i.e. Budh Vihar, Monastery Market, Kashmiri Gate, City SP Zone, Ward No.83, Delhi in terms of section 3(3) of the street vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 as well as the Delhi Street Vendors (Protection of livelihood and regulation of street vending) Rules, 2017 and The Government of National Capital territory of Delhi Street Vendors (Protection of livelihood and regulation of street vending) Scheme, 2019; and”

2. The petitioner claims that he has been squatting at Budh Vihar, Monastery Market, Kashmiri Gate, City SP Zone, Ward No.83, Delhi. Although, the prayer in the petition does not precisely state the same, it appears that the petitioner apprehends that he would not be included in the survey.



3. In so far as the petitioner's apprehension regarding being excluded from 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.

4. In view of the above statement, the petitioner's apprehension that he would be excluded from survey is clearly addressed.

5. In so far as the petitioner's claim that he be permitted to squat at Budh Vihar, Monastery Market, Kashmiri Gate, City SP Zone, Ward No.83, Delhi is concerned, this Court cannot pass any such orders at this stage as the issue, whether he has been squatting at the given site is required to be determined by the concerned authority.

6. The petition is accordingly, disposed of. Pending applications stand closed.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

JANUARY 22, 2024/r

Click here to check corrigendum, if any