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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1086/2024**
SURENDER KUMAR & ORS.

..... Petitioners

Through: Mr.Kamlesh Kr Mishra, Mr.Bibhuti
Bhushan Mishra, Mr.Dipak Raj,
Ms.Tripti Juyal, and Mr.Kailsh
Kumar Jha, Advocates.

versus

DELHI CANTONMENT BOARD
THROUGH ITS CEO & ORS.

..... Respondents

Through: Mr.Tarveen Singh Nanda, Advocate
for Delhi Cantonment Board/R1
Mr.Divyam Nandrajog, Panel
Counsel and Mr.Mayank Kamra,
Advocate for GNCTD/R2,R4,R5 and
R8.
Mr.R.K.Dhawan, Standing Counsel,
Ms.Nisha Dhawan, Mr.T.K.Teng,
Ms.Shivani Taneja and Ms.Anwesha
Singh, Advocates for DDA/R6.
Mr Shivam Goel, Mrs Ramya S Goel,
and Mr Akash Katiyar, Advocates for
NHAI.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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24.01.2024

1. The petitioners have filed present petition, *inter alia* praying that the respondents, more particularly the officials of the Delhi Police, be directed to comply with the decision of the Town Vending Committee-1 (hereafter



‘the TVC’) dated 04.09.2023.

2. The learned counsel appearing for respondent nos.1 (Delhi Cantonment Board – hereafter ‘DCB’) and the TVC, submits that the representation of the petitioners was considered by the TVC and a resolution was passed in the meeting held on 04.09.2023 whereby it was, *inter alia*, decided as under:-

“Therefore, it was resolved that the Revenue Branch of Delhi Cantonment Board should not initiate any coercive action against the street vendors in question till the survey is completed and certificate of vending is issued to all eligible street vendors.”

3. The learned counsel further submitted that in terms of the said decision neither the TVC nor the DCB are pursuing any coercive action against the street vendors falling within their jurisdiction.

4. The learned counsel appearing for respondent nos.3 & 4 (Delhi Police) submits the Delhi Police does not take any *suo motto* action; it does so only at the instance of the DCB in areas that fall within the territorial limit of the DCB.

5. In view of the above, the present petition is allowed. It is directed that till the further decision is taken by the DCB and the TVC, the police authorities shall not remove the petitioners or interdict them from carrying their vending activities at the given site (which falls within the jurisdiction of the DCB). This is subject to the conditions that right of way is not obstructed in any manner and no permanent or semi-permanent structure are made. The petitioners shall not occupy an area (open to sky) more than 6ft by 4ft. It is also clarified that the Delhi Police authorities are not precluded from taking any action against the petitioners, if there is violation of any



law.

6. The petition stands disposed of with aforesaid observations.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

JANUARY 24, 2024

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Click here to check corrigendum, if any