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

+ **W.P.(C) 138/2022 and CM APPL. 355/2022**

ANIL SINGH

.....Petitioner

Through: Mr N.K. Sahoo, Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR.Respondents

Through: Mr Sriharsha Peechara, Standing Counsel with Mr Akshat Kulshreshtha and Mr D.S. Bhanu, Advocates.

Mr Udit Malik, ASC (Civil) for GNCTD/R-2 with Mr Vishal Chanda, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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09.09.2024

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

“(a) To admit the Writ Petition against respondents;

(b) To issue a writ of mandamus or any appropriate writ or direction or order directing the respondent to maintain status quo ante as on 11.10.2021 and to permit the petitioner to return to his place of squatting at Verendha of Regal Cinema, Connaught Place New Delhi-1 for carrying on their trade in term of orders dated 10.11.2021 passed in Writ Petition No 12605/2021 and order dated 11.11.2021 in 12643/2021 till temporary allotment.”

2. Petitioner, states that he is a street vendor and claims that he has been



carrying on his vending activities at the site described as *veranda* of Regal Cinema, Connaught Place, since the year 1988.

3. The area of Indira Chowk and Rajiv Chowk has been declared a no-vending and no-hawking zone and therefore, the relief sought by the petitioner – which in effect is to permit him to vend at the given site – cannot be acceded to. The name of petitioner finds mention in the list of 628 (six hundred and twenty eight) street vendors, who were found eligible to participate in the allotment of *tehbazari* licenses in the year 2012. Thus, it is necessary to presume that the petitioner was carrying on his vending activities within the jurisdiction of NDMC as on 01.05.2014 when the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 came into force. However, that does not entitle the petitioner to carry on his vending activities in a no-hawking and no-vending zone. The petitioner has not produced any material on record to establish that he has been carrying on his vending activities since 2014. However, if it is established that the petitioner has been in fact, carrying on his vending activities since 2014, he would be entitled to carry on his street vending activities till a vending plan is prepared under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

4. In view of the above, we dispose of the present petition by permitting the petitioner to make an application for alternate sites to NDMC. In the event, the petitioner produces sufficient material to establish that he has continued to carry on his vending activities since 2014 till his removal, NDMC shall consider his request for being allocated a separate area on a temporary basis for carrying on his vending activities in accordance with law.



5. The petition is disposed of in the aforesaid terms. All pending applications are also disposed of.

VIBHU BAKHRU, J

SACHIN DATTA, J

SEPTEMBER 09, 2024
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