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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1555/2024**
HAWKERS SURKSHA FOUNDATION

..... Petitioner

Through: Mr.N.K.Sahoo, Advocate.

versus

NEW-DELHI MUNICIPAL COUNCIL AND ORS

..... Respondent

Through: Mr.Sriharsha Peechara, SC
Mr.Vikrant Pachnanada, ASC,
Ms.Kanika Singh, Ms.Harshita Gupta,
Mr.Tarandeep Singh, Mr.Nikhil Saini,
Advocates for NDMC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **02.02.2024**

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

“(a) To issue a writ of mandamus or appropriate writ or direction or order directing the respondent for adhering to the declaration of Rajiv Chowk & Indira Chowk and market areas, areas like school, colleges, cinema Halls, Community Centres, Hospitals and parks in areas covered by LBZ should be Vending Area vide letter No 34 of 06.03.2009 in term of Para 7 (a) of Scheme -2007 by its affidavit /undertaking dated 24.08.2010 in compliance to order dated 11.08.2010 passed by the Hon’ble Supreme Court as well as order dated 11.01.2024 passed in Writ Petition No1648/2024.;

b) To issue a writ of mandamus or appropriate writ or direction to respondents for permitting III Category eligible of Vendors under Scheme-2007 to squat and vend in Area of Rajiv Chowk & Indira Chowk;



2. In so far as the prayer that directions be issued to the respondents that the area of Rajiv Chowk and Indira Chowk be declared as a vending zone/hawking zone, is concerned, the said relief cannot be granted. This Court has in number of petitions rejected this prayer on the ground that the Scheme-2007 expressly declared the said areas as non-vending areas. (Refer W.P. (C) 10944/2022 captioned ***Veer Singh v. The Chairman NDMC & Ors.*** dated 19.01.2024).

3. In ***Vyapari Kalyan Mandal Main Pushpa & Anr v. South Delhi Municipal Corporation & Ors: 2017 SCC OnLine Del 8962***, the Co-ordinate Bench of this Court held that earlier declarations made regarding no vending zone and no hawking zones in the 2007 Scheme would continue to be operative till a fresh vending plan is framed under Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vendors) Act, 2014.

4. In view of above, we are unable to accept that a direction to permit unauthorised vendors to squat in the said areas, is required to be issued.

5. The petition is dismissed with the aforesaid observation. Pending application, also stands dismissed.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

FEBRUARY 02, 2024

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