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

+ **W.P.(C) 1663/2024 CM APPL. 6837/2024**

DURGESH TIWARI

..... Petitioner

Through: Mr.M.K.Perwez, Advocate.

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondent

Through: Ms.Avni Singh, Advocate for R3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

05.02.2024

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

“A. Direct the Respondents not to dispossess or obstruct or disturb the Petitioners in carrying on his trade from his site i.e. Opp. Shop No.8, Sarojini Nagar Market, Sarojini Nagar, New Delhi-110023 of section 3(3) of the street vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 and;

B. Direct the Respondents/Town Vending Committee to consider the representation dated 28.08.2019 of the Petitioner and conduct the survey of the Petitioner within time bound manner 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, 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.”

2. The petitioner claims that he was selling permissible goods from a vending site described as ‘*Opposite Shop No.8, Sarojini Nagar Market, New Delhi-110023*’. He alleges that the officials of the New Delhi Municipal Council (hereafter ‘**NDMC**’) have on a number of occasions removed him



from the site and thrown away his goods. He states that his goods have also been confiscated from time to time.

3. According to NDMC, the petitioner is not permitted to vend at the said site. It is stated that the petitioner's name did not feature in the list of 628 unauthorised vendors who were operating at the relevant time and are covered by the protective orders passed by this Court.

4. The learned counsel for the respondents submits that there are a large number of street vendors who claim that they are entitled to vend from sites located in Sarojini Nagar Market, however, the capacity of the market is insufficient to support such a large number of vendors.

5. This Court is informed that a survey is being conducted. In this view, we dispose of this petition by directing that the petitioner would also have a right to participate in the survey and furnish all documents or materials to establish that he has been carrying on vending activities. It is stated that the Town Vending Committee (TVC) shall consider the matter and record as furnished by the petitioner for taking a decision.

6. We also direct that the concerned TVC shall consider the petitioner's representation dated 28.08.2019, a copy of which is annexed to this petition.

7. The petition is disposed of in the aforesaid terms. Pending application also stands disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

FEBRUARY 05, 2024

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Click here to check corrigendum, if any