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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 1781/2023 CM APPL. 6790/2023 CM APPL. 6791/2023
CM APPL. 17642/2023

VICKY AND ANR

..... Petitioners

Through: Mr. N.K Sahoo, Advocate

versus

MUNCIPAL CORPORATION DELHI AND ANR

..... Respondents

Through: Ms. Puja Kalra, Standing Counsel
with Mr. Virendra Singh, Advocate
for MCD
Ms. Urvi Mohan, Advocate for
GNCTD/Delhi Police
Mr. Raghvendra Upadhyay, Ms.
Purnima Jain and Mr. Vaibhav
Tripathi, Advocates for R-3

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

01.04.2024

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

“(I) To issue a writ of mandamus or appropriate writ or direction or order directing the respondent not to disturb the petitioner for squatting in front of :- Shop/building No 10-F, Arushi, Kamala Nagar Ps Roop Nagar, Delhi-7 till Section 21 of street vendors Act ,2014 being enforced and vending fees being collected under section 8 of the street vendors Act,2014;

(II) To issue a writ of mandamus or appropriate writ or direction or order directing the respondent not to disturb the petitioner for squatting in front of :- Shop/building No 10-F, Arushi, Kamala Nagar Ps Roop Nagar in compliance of order dated 10.11.2021 passed in Writ Petition No 12605/2021;”



2. The petitioner has also filed an application [CM APPL. 17642/2023] seeking to modify the prayers sought in the petition to read as under:

“To issue a writ of mandamus or appropriate writ or direction or order directing the respondent No 1 to issue the Certificate Of Vending (COV) as per the physical Survey conducted by Town Vending Committee (TVC) vide URI ID No 6939355.”

3. The petitioner claims that he had participated in the survey conducted by the Town Vending Committee (TVC) in the year 2021, however, a Certificate of Vending (COV) has not been issued.

4. The learned counsel appearing for the MCD submits that there is some delay in issuing Certificate of Vending on account of technical reasons for linking the aadhaar card of the street vendors with the biometric authentication for the purpose of survey. However, it is not disputed that pending resolution of this technical issue, COV has been issued by the MCD to various other vendors.

5. The learned counsel for the MCD submits that the same has been issued as the stop gap arrangement till a further survey is conducted and the identity of the street vendors is linked to the aadhaar card.

6. In view of the above, we find no reason why a similar certificate as a stop gap arrangement not be issued to the petitioner. We, accordingly, direct the MCD to take necessary steps to do so.

7. Admittedly, no *Tehbazari* site has been allocated to the petitioner, therefore, the petitioner would not be permitted to vend at a fixed place. However, if the petitioner complies with all the conditions of the COV that may be issued, the petitioner would not be disturbed from carrying on the vending activities.



8. The petition is disposed of in the aforesaid terms. All pending applications stand closed.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

APRIL 01, 2024
g.joshi

Click here to check corrigendum, if any