



\$~27

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1889/2024**
MOHD. ISHTIYAK ALAM

..... Petitioner

Through: Mr.Aditya and Mr.Kailash Kumar
Jha, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

..... Respondent

Through: Ms.Shilpa Ohri, ASC for MCD.
Mr.Rishikesh Kumar, ASC,
Ms.Sheenu Priya, Mr.Atik Gill,
Mr.Sudhir Kumar Shukla and
Mr.Sudhir, Advocates for GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

09.02.2024

%

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

“I. Pass an order directing the respondents to allow the petitioner street vendor to peacefully vend at his vending site i.e., DDA Market, near Sheikh Sarai Transport Authority, Phase-2, Sheikh Sarai, Malviya Nagar, South Zone, Ward-S-88, New Delhi, without any Let or hindrance being caused by any public official.

II. Pass an Order directing the respondents to allow the petitioner street vendor to peacefully vend in terms of vending Certificate issued by the Municipal Corporation of Delhi after conducting the survey of the petitioner.

III. Pass an order directing the respondents, their officials, their agents etc. be restrained from harassing the petitioners from peacefully vending at their vending sites.

IV. Pass an order directing the SHO, PS Malviya Nagar to ensure that the petitioner street vendor shall not be forcefully removed from his vending site.



V. Pass an order directing the respondent to correct the nomenclature in the column for type of vendor from Food/Snack with gas cylinder/fire to Stationary Street vendor as detailed in the vending certificate issued to the petitioner.

VI. Pass an order for quashing and setting aside the terms of certificate of vending printed at the back side of the vending certificate to the extent which is not applicable to a stationery street vendor.

VII. Pass an order directing the respondent TVC to decide the representation dated 05.02.2024 made by the petitioner by passing a speaking order.

VIII. Pass any such directions or order that this Hon'ble Court deems fit and proper in the facts and circumstances of the above-mentioned case."

2. The petitioner has prayed that he be permitted to vend at the site described as 'DDA Market, near Sheikh Sarai Transport Authority, Phase-2, Sheikh Sarai, Malviya Nagar, South Zone, Ward-S-88, New Delhi.' The petitioner further prays that the respondents and their officials be restrained from harassing him and interfering with his vending activities.

3. The petitioner has been issued the Certificate of Vending (COV) which reflects his category as 'others'. The petitioner submits that the said COV be corrected to reflect the petitioner's category as 'Stationary'.

4. Admittedly, the petitioner has no fixed structure where he was licensed to vend. The petitioner was not issued Tehbazari licence and is an unauthorised vendor. The petitioner is carrying vending activities on a hand cart and in terms of the COV, a mobile vendor is not permitted to vend at the given site for more than 30 minutes or such time as may be specified by the Town Vending Committee (TVC). In view of the said condition, the petitioner is required to move periodically number of times in a day.



5. Since the petitioner is vending from a hand cart, we are unable to accept that the petitioner is required to be treated as a stationary street vendor. It is also stated that the Town Vending Committee-II would frame a Vending Plan in terms of Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014; which would also specify the sites for stationary vendors. However, the petitioner has articulated a legitimate grievance regarding being asked to move every 30 minutes. The petitioner also pointed out that a large number of COVs have been issued by respondent no.1, Municipal Corporation of Delhi (MCD), and it cannot be expected that all vendors will move every 30 minutes.

6. The learned counsel for petitioner submits that petitioner is not allowed to vend on the road (ROW) and several moves in a day by all COV holders will lead to congestion of public roads.

7. Undoubtedly, the petitioner has highlighted an aspect that requires consideration. We are of the view that the MCD and the TVC should consider this in the first instance.

8. The learned counsel for the petitioner states that the petitioner has already made representations dated 01.02.2024 and 05.02.2024 to the MCD and TVC, respectively for an appropriate decision in this regard. He submits that in the meantime, the petitioner may be permitted to continue carrying on vending activities in accordance with the terms and conditions of the COV. The said course commends this Court.

9. We, accordingly, dispose of the present petition. We expect that the MCD and TVC will take an informed decision as to the grievance as



highlighted above.

10. In the meanwhile, the petitioner shall not be interdicted from carrying out his vending activities provided the same is done in compliance of the terms and conditions of the COV.

11. The petition stands disposed of in terms of the above.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

FEBRUARY 09, 2024

M

Click here to check corrigendum, if any