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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 2256/2023 CM APPL. 8544/2023 CM APPL. 8545/2023
DINESH KUMAR Petitioner
Through: Mr. N.K Sahoo, Advocate

versus

MUNCIPAL CORPORATION DELHI Respondent
Through: Ms. Puja Kalra, Standing Counsel
with Mr. Virendra Singh, Advocate
for MCD
Mr. Divyam Nandrajog, Panel
Counsel, GNCTD with Ms. Surbhi
Soni, Advocate 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 38-E, 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;

(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 38-E , Kamala Nagar , Ps Roop Nagar in compliance of order dated 10.11.2021 passed in Writ Petition No 12605/2021;”

2. The petitioner claims to be carrying on vending activities at the given site [in front of Shop/building no. E-38, Kamla Nagar PS Roop Nagar,



Delhi-7]. Admittedly, the petitioner has not participated in the survey that was conducted and consequently, a Certificate of Vending (COV) was not issued to him.

3. The petitioner has not been allocated any fixed *Tehbazari* site and therefore the prayer that the petitioner be not disturbed from squatting from a particular site [in front of Shop/building no. E-38, Kamla Nagar PS Roop Nagar, Delhi-7], cannot be granted. Even if the petitioner had participated in the survey and a COV was granted, it would not be permissible for the petitioner to carry on vending activities at a given site for more than 30 minutes.

4. In view of the above, we dispose of the present petition by directing that the petitioner would be entitled to participate in a survey, which is likely to be conducted shortly. The petitioner would be at liberty to furnish such documents and material as advised in support of his claim that he has been carrying on vending activities. Needless to state that the concerned Town Vending Committee shall consider the same at the appropriate stage.

5. The petition is disposed of with the aforesaid observations. All pending applications stand closed.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

APRIL 01, 2024

g.joshi

Click here to check corrigendum, if any