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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 2216/2024 CM APPL. 9190/2024 CM APPL. 9191/2024
SAMSHUDIN MIYA Petitioner
Through: Mr.Bharat Aggarwal, Ms.Namrata
Sharma and Mr.Himanshu Aggarwal,
Advocates.
versus
NEW DELHI MUNICIPAL COUNCIL & ANR. Respondent
Through: Mr.Raghuvinder Varma and
Mr.Asheesh Kumar Mishra, ASCs for
NDMC.
Ms.Sweety Singh, Advocate for
R2/GNCTD.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **15.02.2024**

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

“a) Direct the Respondent No.1/TVC to not to dispossess or obstruct or disturb the petitioner in carrying on his trade from site i.e. Near Gate No.03, Third Cross Road, Sarojini Nagar Market in terms of section 3(3) of the street vendors (protection of livelihood and regulation of street vending) act 2014 and;
b) Direct the Respondent no.1/TVC to conduct the survey of the petitioner within time bound manner and issue certificate of vending in favour of the petitioner .
c) Direct the Respondent No.1 to decide the petitioner's representation dated 02/02/2024 in accordance with law.
d) Issue a Writ, Order or Direction in the nature of Pass such other or further orders, as their Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. The petitioner claims that he was selling permissible goods from a vending site described as ‘Near Gate No.03, Third Cross Road, Sarojini Nagar Market, New Delhi—110023’. He alleges that the officials of



respondent no.1 – New Delhi Municipal Council (NDMC) have on a number of occasions removed him from the site and have thrown away his goods. He states that his goods have also been confiscated from time to time.

3. According to the NDMC, the petitioner is not permitted to vend at the said site. It is stated that the petitioner's name does not feature in the list of 628 unauthorised vendors who were operating at the relevant time and are covered by 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. 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 the documents or material to establish that he has been carrying on vending activities. It is stated that the Town Vending Committee shall consider the material and documents as furnished by the petitioner for taking an informed decision.

6. We also direct that the concerned TVC shall consider the petitioner's representation dated 02.02.2024, a copy of which is annexed to this petition.

7. The petition is disposed of in the aforesaid terms. All pending application(s) stand disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

FEBRUARY 15, 2024

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