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

+ **W.P.(C) 2316/2024 CM APPL. 9600/2024**

MISHRI KUMAR SHAH & ORS. Petitioners
Through: Mr.Aditya Rajeshwar and Ms. Jayanti
Shastri, Advocates.

versus

COMMISSIONER OF DELHI POLICE & ORS. Respondents
Through: Mr.Divyam Nandrajog, PC and
Mr.Jatin Dua, Advocate for GNCTD
with Inspector Abhinendra Singh,
Traffic Dwarka and SI Sudeep
Kumar, PS Bindapur.
Mr.Sanjeev Sagar, SC and Ms.Nazia
Parveen, Advocate for MCD.
Mr.Arjun Pant, ASC and Ms.Latika
Malhotra, Advocate for DDA.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **23.04.2024**

1. The petitioners (28 in numbers) have filed the petition, *inter alia*,
praying as under: -

‘I. Pass an order restraining the respondents to threaten,
evict or intimidate the petitioners in any manner
leading to removal of the vendors from the spot where
they are/were vending presently.

II. Pass directions, orders or writs in the nature of
mandamus commanding the respondent to conform to
their statutory obligations under The Street Vendors
(Protection of Livelihood and Regulation of Street
Vending) Act 2014.’

2. The present matter was listed on 16.02.2024 and this Court had
passed the following order: -

‘3. Issue Notice. The learned counsel appearing for
the respondents accept notice and seeks time to file a



status report.

4. The learned counsel appearing for the petitioner states that in view of the order dated 16.01.2024 passed by this Court in W.P.(C) 241/2024 captioned *Bindapur DDA Flats Residents Welfare Association (Regd.) v. Union of India and Ors.*, the SHO, PS Bindapur is not permitting the petitioner to carry on any vending activity at any place. By the said order, this Court had directed the concerned police authorities to ensure that the right of way be kept free from any encroachment and is maintained at all times. The Court had also directed that no illegal electricity is drawn in the particular area. The said order was passed as the photographs annexed with the said writ petition indicated that the entire street had been converted into a market and thus, leaving no room for any vehicle to pass.

5. The learned counsel appearing for the petitioners submits that the petitioners are only using battery operated lamps to sell their wares/food items.

6. The mobile street vendors who have been issued Certificate of Vending are required to move every 30 minutes from the site. Further, they cannot carry on any vending activity on the street by encroachment on the right of way. It is clarified that subject to the said conditions being complied with, the street vendors are prevented from vending activities.

6. List on 23.04.2024.'

3. The last sentence of paragraph of the above order was rectified by an order dated 23.04.2024 to read as "*It is clarified that subject to the said conditions being complied with, the street vendors are not prevented from carrying vending activities*"

4. The learned counsel for the petitioners submits that this petition may be disposed of in terms of the aforesaid orders passed by this Court.

5. In view of above, the order dated 16.02.2024 as rectified *vide* order



dated 23.04.2024 is made absolute.

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

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

APRIL 23, 2024

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Click here to check corrigendum, if any