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

+ **W.P.(C) 2540/2024**

MUKESH

..... Petitioner

Through: Mr. Aditya, Mr. Kailash Kr. Jha and
Ms. Anjani Kr. Mishra, Advocate

versus

COMMISSIONER OF POLICE AND ORS.

..... Respondents

Through: Mr. Divyam Nandrajog, Panel
Counsel, GNCTD with Mr. Mayank
Kamra, Advocate for R-1, 4 and 5

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

11.03.2024

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1. The petitioner is a street vendor and has filed the above petition, *inter alia*, praying that he be not disturbed in carrying on his vending activities on various locations in Sangam Vihar, Central Zone, Ward S-85, New Delhi.
2. The petitioner has been issued a Certificate of Vending (COV) by the Municipal Corporation of Delhi. The petitioner has sought a direction that the nomenclature in the COV be corrected to read as “*Stationary Vendor*”.
3. The petitioner is essentially aggrieved as he is not being allowed to vend from a fixed place. The petitioner is being called upon by the concerned respondents to re-locate from his vending location every thirty minutes. The said stipulation is contained in Clause 11 of the Terms and Conditions applicable to the COV issued to the petitioner.
4. The petitioner has also sought a direction that he be not removed from his vending site and that he declared as a “*Stationary Street Vendor*”.
5. We are not persuaded to accept the same.
6. Admittedly, no specific site was allotted to the petitioner. The



petitioner is also not vending from a permanent or semi-permanent structure. Thus, till any other decision is taken by the TVC, the petitioner is required to be considered as Mobile Vendor.

7. Having stated the above, we are of the view that the petitioner has highlighted a serious issue that requires consideration by the concerned authorities. Calling upon the Mobile Vendors to move or relocate would inevitably put a higher pressure on the streets, in addition to causing some amount of inconvenience to the vendors.

8. Section 6(1) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 (hereafter '*the Act*') expressly provides that the COV can be issued under three categories:-

- a. Stationary vendor;
- b. Mobile vendor; or
- c. Any other category as may be specified under the Scheme.

9. Undisputedly, the COV is required to be in terms of the Act and thus, must clearly classify the category of the street vendors.

10. It is also noted that the petitioner is engaged in vending "Food/Snacks with gas cylinders/fire". Plainly, it would be difficult for such street vendors to move every thirty minutes.

11. As noted above, the petitioner has already filed representations with the TVC. It would be necessary for the TVC to take an appropriate decision in this regard till the survey is completed and a vending plan is put in place.

12. In the meanwhile, we direct that the respondents shall not obstruct or disturb the petitioner from carrying on his vending activities provided the same are carried on in accordance with the terms and conditions of the COV.



13. Accordingly, we dispose of the present petition by directing the concerned TVC to consider the representation moved by the petitioner and take an informed decision. The denial of relief as sought for by the petitioner, by this Court would not preclude the TVC from considering the same.

14. The petition stands disposed of in the aforesaid terms.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MARCH 11, 2024/r

Click here to check corrigendum, if any