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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2591/2024 CM APPL. 10687/2024**
VIMLA DEVI

..... Petitioner

Through: Mr.Bibhuti Bhushan Mishra,
Mr.Kamlesh Kumar Mishra,
Mr.Dipak Raj and Ms.Tripti,
Advocates.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

..... Respondent

Through: Ms.Shilpa Ohri, ASC for MCD/R1.
Mr.Divyam Nandrajog, Panel
Counsel and Mr.Jatin Dua, Advocate
for GNCTD/R3 to R5.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

21.02.2024

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1. The petitioner – a street vendor has filed the present petition, *inter alia*, praying as under:-

“I. Pass an order directing the respondents to allow the petitioner street vendor to peacefully vend at her vending site i.e C-8 Chowk, Gate No.13, Vasant Kunj, South West 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 thereby declaring the confiscation of the articles of the petitioner by MCD on 20.11.2023 and removal/eviction of the petitioner as illegal, arbitrary and in contravention of the law.



IV. Pass an order directing the respondent MCD to forthwith return the goods of the petitioner without any charges being levied on the petitioner for the reason that the very act of confiscation of her articles was illegal and arbitrary.

V. Pass an order directing the respondents, their officials, their agents etc. be restrained from harassing the petitioner from peacefully vending at her vending site.

VI. 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 she be permitted to peacefully vend at the vending site described as 'C-8 Chowk, Gate No.13, Vasant Kunj, South West Delhi' without any hindrance. The petitioner has also prayed that the action of respondent no.1 Municipal Corporation of Delhi (**MCD**) confiscating her goods on 20.11.2023 and her removal be declared as illegal, arbitrary and in contravention of law. She also prays that direction be issued to the MCD to return her goods. According to the petitioner, she was running a tea stall.

3. Ms.Ohri, who appears on advance notice on behalf of the MCD points out that the Certificate of Vending (**COV**) of the petitioner is for 'Fresh Fruits/ Vegetables/Perishables'. In addition, she submits that the petitioner could not carry on vending from a fixed spot as no such license has been issued to the petitioner.

4. The learned counsel for the petitioner submits that the petitioner would comply with the conditions of the COV which restrict the petitioner from carrying on vending activities from a particular place for 30 minutes or such time as may be fixed by the Town Vending Committee (**TVC**). He also requests that the direction be issued to the MCD to return the goods confiscated from the petitioner as the prescribed procedure for confiscation



has not been followed.

5. In view of the above, we consider it apposite to dispose of the petition by directing the MCD to release the confiscated goods of the petitioner since the procedure prescribed has not been followed. We further direct that the petitioner shall not be disturbed from carrying on vending activities provided she does so in strict compliance of the terms and conditions of the COV. The pending application also stands disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

FEBRUARY 21, 2024

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Click here to check corrigendum, if any