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

+ W.P.(C) 2599/2024

LAL MOHAMMAD

..... Petitioner

Through: Mr.Aditya and Mr.Kailash Kumar
Jha, Advocates.

versus

COMMISSIONER OF POLICE AND ORS

..... Respondents

Through: Mr.Divyam Nandrajog, Panel
Counsel and Mr.Jatin Dua, Advocate
for GNCTD/R1, R4, & R5.
Mr.Nikhil Palli, Advocate for R2 and
R3.

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+ W.P.(C) 2601/2024

SEEMA JAIN

..... Petitioner

Through: Mr.Aditya and Mr.Kailash Kumar
Jha, Advocates.

versus

COMMISSIONER OF POLICE AND ORS

..... Respondents

Through: Mr.Divyam Nandrajog, Panel
Counsel and Mr.Jatin Dua, Advocate
for GNCTD/R1, R4, & R5.
Mr.Nikhil Palli, Advocate for R2 and
R3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

21.02.2024

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1. The petitioners are street vendors and have filed the above petitions, *inter alia*, praying that they be not disturbed in carrying on their vending activities on various locations in Sangam Vihar, Central Zone, Ward S-85, New Delhi.

2. The petitioners have been issued Certificate of Vending (COV) by the



Municipal Corporation of Delhi. The petitioners have sought a direction that the nomenclature in the COV be corrected to read as “*Stationary Vendor*”.

3. The petitioners are, essentially, aggrieved as they are not allowed to vend from a fixed place. The petitioners are being called upon by the concerned respondents to re-locate from their 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 petitioners.

4. The petitioners have also sought a direction that they be not removed from their vending sites and that they be declared as “*Stationary Street Vendor*”.

5. We are not persuaded to accept the same.

6. Admittedly, no specific site was allotted to the petitioners. The petitioners are also not vending from a permanent or semi-permanent structure. Thus, till any other decision is taken by the TVC, the petitioners are required to be considered as Mobile Vendors.

7. Having stated the above, we are of the view that the petitioners have 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 petitioners are engaged in vending goods that fall in the category of “Others”.

11. As noted above, the petitioners have 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 petitioners from carrying on their 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 petitions by directing the concerned TVC to consider the representations moved by the petitioners and take an informed decision. The denial of relief as sought for by the petitioners, by this Court would not preclude the TVC from considering the same.

14. The petitions stand disposed of in the aforesaid terms.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

FEBRUARY 21, 2024

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Click here to check corrigendum, if any