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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2846/2024**
RUDRA BAHADUR BASANET AND ORS

..... Petitioners

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

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

..... Respondents

Through: Ms.Puja Kalra, SC and Mr.Virendra
Singh, Advocate for MCD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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27.02.2024

1. Issue notice. The learned counsels for respondents accept notice.
2. The petitioners have filed the present petition *inter alia* praying that they be permitted to vend at the site described as "Lane in between New Lajpat Rai Market and Lal Jain Mandir, adjacent to Jain Sports Club, City SP Zone, Ward-84-N, Delhi' without any hindrance from the public officials or the police authorities.
3. In addition, the petitioners pray that the Certificate of Vending (COV) issued to them be corrected to reflect 'Stationary Street Vendors'.
4. In so far as the petitioners' prayer that they be permitted to vend at the particular place is concerned, the same cannot be acceded to. This is because the petitioners have not been allotted any site or fixed place of vending.
5. The question of allotment of sites necessarily has to be considered by the Town Vending Committee (TVC) at an appropriate stage.



6. It is material to note that in terms of Clause 11 of the terms and conditions of the COV, a mobile vender cannot stay or vend at a particular place for more than 30 minutes or such time as may be prescribed by the TVC. It is clarified that if the petitioners carry on vending activities strictly in accordance with the COV and the terms and conditions appended thereto, they will not be disturbed from carrying on the vending activities in the given zone.

7. The petitioners' prayer that their category be changed to 'Stationary Street Vendor' in their COVs cannot be granted at this stage. As noted above, at this stage, the petitioners cannot be treated as stationary vendors as they have not been allotted any site. However, the petitioners have made representations to the TVC/Municipal Corporation of Delhi (MCD), which are pending consideration. We direct the same be considered in accordance with law. The petitioners may vend in accordance with the terms and conditions of the COV.

8. The petition stands disposed of with aforesaid direction.

VIBHU BAKHRU, J

TUSHAR RAO GEDELA, J

FEBRUARY 27, 2024

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Click here to check corrigendum, if any