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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3720/2023

BALVIR ARORA AND ORS.

..... Petitioners

Through: Mr. Kaoliangpou Kamei, Adv.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

..... Respondents

Through: Ms. Puja Kalra, Adv. for R-1.

Mr. Divyam Nandrajog & Mr. Jatin
Dua, Advs. for R-2&3.

SI Joginder Singh, Parvi Officer, Traffic

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

05.03.2024

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1. The petitioners (ten in number) have filed the present petition, *inter alia*, praying as under:

- “i Direct the main respondent No.1 (Municipal Corporation Delhi) to allot a tehbazari for all the petitioners currently they are vending now or in the alternative site.
- ii. Direct the respondent No.3 (Police Commissioner) not to interfere/disturb the applicants in any manner.”

2. All the petitioners have been issued Certificates of Vending (CoVs), except petitioner no.5. The petitioners claim that they are carrying on vending activities in City-SP Zone, Ward-83-N for the past forty to fifty years. The petitioners also claim that they had participated in surveys conducted from time to time and had applied for allotment of *tehbazari* license. They claim that their names also feature in a list, which was upheld by a Committee headed by Justice R.C. Chopra. However, all persons in the said list were not allotted sites and many of the applications were rejected.



3. Although, it is asserted that the petitioners had also applied for vending licences, the petitioners have not filed copies of their applications. However, a copy of the application dated 15.07.1992 submitted by petitioner no.1 for *tehbazari* licence has been annexed with the petition.

4. The process for allotment of *tehbazari* sites which was initiated earlier remains inconclusive in most cases. In the meanwhile, the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter *the Act*) was enacted and the allotment of sites was required to be made in accordance with the vending plan to be prepared in terms of Section 21 of the Act.

5. In view of the above, the prayer, as sought by the petitioners, that a direction be issued to respondent no.1 – Municipal Corporation of Delhi (MCD) to allot *tehbazari* sites to the petitioners cannot be granted. However, the petitioners would be entitled to participate in the survey and apply for *tehbazari* sites, if they are otherwise eligible to do so, in accordance with the policy that may be framed after the vending plan has been prepared or at an appropriate stage.

6. Insofar as the prayer that the petitioners may not be disturbed from carrying out their vending activities is concerned, the learned counsel for respondent no.1 submits that petitioner nos.1 to 4 and 6 to 10 have been carrying on their vending activities strictly in accordance with the Terms and Conditions of the CoVs.

7. One of the issues that arise in this regard is whether the petitioners are stationary vendors as claimed by them. Since no site has been allotted to the petitioners, we are unable to accept that the petitioners would be entitled to carry on vending activities from a fixed place. In terms of Clause 11 of the terms and conditions as contained in the CoVs, petitioner nos.1 to 4 and 6 to



10 are not entitled to vend from a fixed place for more than thirty minutes or till such time as may be fixed by the Town Vending Committee (TVC). Insofar as petitioner no.5 is concerned, he has not been granted any CoV. However, that would not preclude petitioner no.5 from participating in the survey to be conducted by the TVC. He is also entitled to furnish such materials and documents in support of his contentions that he is carrying on vending activities. Needless to state that the concerned TVC shall consider the same at an appropriate stage.

8. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MARCH 05, 2024

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[Click here to check corrigendum, if any](#)