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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3302/2024 CM APPL. 13604/2024 CM APPL. 13605/2024**
MOHD. IRFAN Petitioner

Through: Mr. Faiz Imam, Adv.

versus

MUNICIPAL CORPORATION OF DELHI AND
OTHERS Respondents

Through: Mr. Ajay Arora, Mr. Kapil Dutta, Mr.
Vansh Luthra and Ms. Simran Arora,
Advs. for R-1/MCD.
Mr. Divyam Nandrajog, Panel
Counsel, GNCTD with Mr. Jatin Dua,
Adv. for R-2&4.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER
05.03.2024

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CM APPL. 13605/2024

1. Exemption is allowed, subject to just exceptions.
2. Application is disposed of.

W.P.(C) 3302/2024

3. The petitioner has filed the present petition *inter alia* praying that directions be issued to respondent no.1 (Municipal Corporation of Delhi) to reinstate the vending shop of the petitioner to its original vending site.
4. The petitioner claims that he has been vending at a site described as Shop No.-1, Ground Floor, Madangir, near Petrol Pump, Pushpa Bhawan, South Delhi, Delhi-110006 (hereafter “the shop”). The petitioner claims that



he has been carrying on the work of tyre and tube repairs from the shop since past 36 years.

5. The petitioner has also annexed documents in support of his contention. The petitioner claims that on 14.12.2023, certain private individuals (respondent nos. 5 to 8) had vandalised the shop and destroyed his wares. The petitioner also alleges that the said respondents had stolen his valuable equipment, including metal scrap as well as his money. The petitioner states that he has filed a complaint dated 16.12.2023 with respondent nos.1 and 2 as well as other authorities in respect of the said incident. He also filed a Criminal Writ Petition being W.P.(CRL) 255/2024 captioned ***Mohd. Irfan v. State of NCT of Delhi and Ors.***, however, it was withdrawn on 24.01.2024 to avail other remedies.

6. It is relevant to note that the petitioner has not been allocated or licenced any fixed or semi-fixed structure for carrying on his vending activities. The petitioner has been issued a Certificate of Vending dated 06.11.2021 which indicates that he has been vending in South Zone, Ward-S-74. Since the respondent no.1 has not licenced any site to the petitioner, his prayer that the MCD be directed to reinstate him at a fixed place for vending cannot be granted.

7. The terms and conditions as applicable to the Certificate of Vending requires that the petitioner not carry on his activities at any particular spot for more than 30 minutes or such time as the Town Vending Committee (TVC) may determine. The petitioner claims that he is not a mobile vendor and the said condition would not be applicable to him. However, since the petitioner is not licenced any site or a fixed place, the petitioner cannot be permitted to claim rights in respect of any particular vending spot.



8. In so far as the petitioner's grievance regarding respondent nos. 5 to 8 is concerned, the petitioner would be at liberty to pursue his complaint with the police authorities in accordance with law.

9. It is clarified that this order would not preclude the petitioner from participating in the survey and also applying for allotment of a fixed vending place in accordance with law. Needless to state that the TVC shall consider such material and documents as may be provided by the petitioner in support of his claims that he has been carrying on vending activities.

10. The petition is disposed of in the aforesaid terms. All pending applications are also disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MARCH 05, 2024/SA

Click here to check corrigendum, if any