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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 3374/2024**

**RAJU**

..... Petitioner

Through: Mr. Dharmender Sharma and Ms.  
Kajol Mishra, Advocates.

versus

**NEW DELHI MUNICIPAL COUNCIL AND ORS**

..... Respondents

Through: Mr. Sri Harsha Peechara, SC for  
NDMC.  
Mr. Rishikesh Kumar, ASC, Ms.  
Sheenu Priya, and Mr. Sudhir,  
Advocates for R2.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**ORDER**

% **11.03.2024**

**CM APPL. 13872/2024 & CM APPL. 13873/2024**

1. Exemptions are allowed, subject to just exceptions.
2. The applications stand disposed of.

**W.P.(C) 3374/2024**

3. The petitioner has filed the present petition, *inter alia*, praying as under:-

“1. Direct the respondent to prohibit of any kind of harassment and threat for the removal of stalls of Petitioner/other occupants at A.K Roy Marg, Sarojini Nagar (locally known as Scindia Pottery) till the completion of survey conducted by TVC/NDMC and allotment of sites, as the first phase of survey has been initiated and the next phase is about to start for the identification and verification of the existing street hawkers for the allotment of Tehbazari license as the Petitioner/occupants have been living and carrying out their stall since last 40 years.



2. Issue a Writ, Order or Direction or Pass such order or further orders, as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

4. The petitioner states that he as well as other similarly placed persons used to make the pottery utensils for royal families since Independence. The petitioner has filed the present petition being aggrieved by the removal of his stall (Thada) by the Area Inspector and local officials on 10.02.2024.

5. Mr. Peechara, learned counsel appearing for the New Delhi Municipal Council (**NDMC**) submits that this is not a case where any street vendor has been interdicted from carrying on vending activities. He submits that the petitioner and other similar persons have been removed as they had been encroaching on public land and had also constructed *Jhuggis* thereon. He submits that the principal difference between a street vendor protected under Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter “**the Act**”) and land encroachers is that a street vendor is required to remove his goods and vacate the site at the end of the day. A street vendor cannot set up his residence and occupy public pathways and roads.

6. In addition, he submits that the petitioner and other persons have been removed from A.K Roy Marg, Sarojini Nagar (locally known as Scindia Pottery) pursuant to the complaints received by the residents of that area. He points out that a Writ Petition being numbered as W.P.(C) 3094/2024 captioned *Sh. Prem Pal v. New Delhi Municipal Council & Ors.* was filed in this respect and the petitioner is arrayed as respondent no.6 in the said petition. He also submits that the petitioner and other persons at the said street had been removed pursuant to orders passed in the said petition.



7. In view of the above, we cannot grant the prayer made in the present petition.

8. There is no dispute that the petitioner claims to be residing in a *Jhuggi* at the spot in question. The memo of parties also describes the petitioner's address as J-7, Jhuggi, Near Scindia Pottery, Sarojini Nagar, Delhi-110023.

9. Clearly, the provisions of the Act do not preclude the authority from removing the encroachment on the public land.

10. It is clarified that this order will not preclude the petitioner from availing other remedies or taking benefit under the Delhi Urban Shelter Improvement Board Act, 2010 (**DUSIB**) or the Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015, if otherwise, the petitioner is entitled to any such benefit.

11. In view of the above, the petition is disposed of.

**VIBHU BAKHRU, J**

**TARA VITASTA GANJU, J**

**MARCH 11, 2024/SA**