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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3423/2024 CM APPL. 13999/2024

MOHAMMAD ARSHAD

..... Petitioner

Through: Mr. Abhishek Saxena, Mr. Singh
Nishant Sanjay Kumar, Mr. Vaibhav
Patel, Mr. Saurav Dewal, Mr. Rahul
Pratap Singh, Mr. Munish, Ms.
Mumtaz Shaikh and Ms. Kamini,
Adv.

versus

MUNICIPAL CORPORATION OF DELHI AND OTHERS

..... Respondents

Through: Ms. Shilpa Ohri, ASC for MCD.
Mohd. Irsad, ASC with Ms. Nasreen,
Mr. Kunal Raj and Mr. Shailash
Chouhan, Adv. for R-2 and 3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

06.03.2024

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CM Appl.14000/2024

1. Exemption is allowed, subject to just exceptions.
2. The application is accordingly disposed of.

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

“A. Pass an Order directing the respondents to ensure that that the petitioner is allowed to peacefully vend in terms of his vending site i.e. Shahdara south zone 15-E, New Delhi, without any Let or hindrance being cause by any public official;

B. Pass an order directing the respondents, their officials, their agents etc. be restrained from harassing-dislocating-removing the petitioners from peacefully vending at his vending site;



C. Pass an order directing the SHO P.S. SHAKARPUR to ensure that the petitioner street vendor shall not be forcefully and illegally be removed from his vending site;
D. Pass an order directing the respondent Government of NCT of Delhi to comply and effectuate the provision of section 20 of the STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATIONS OF STREET VENDING) ACT, 2014, and make the dispute redressal committee functional within the stipulated time period; and
E. Pass an such order that no street vendor shall be evicted from his vending site till the formation of the vending zone.”

4. The petitioner has been issued a Certification of Vending (COV) which indicates the vending area as Shahdara south zone 15-E, New Delhi. Admittedly, the petitioner does not have a Tehbazari license for vending from a fixed site. Thus, in accordance with the terms and conditions of the COV, the petitioner is proscribed from vending at a particular place for more than 30 minutes or any such time as may be determined by the Town Vending Committee (TVC).
5. The petitioner has also sought a direction that he be not removed from his vending site.
6. We are not persuaded to accept the same.
7. Admittedly, no specific site was allotted to the petitioner. The TVC is required to conduct a survey and NDMC is required to prepare a vending plan in terms of Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 in consultation with the TVC. Thus, till a decision is taken by the TVC, the petitioner is required to be considered as “*Mobile Vendor*”.
8. The learned counsel appearing for the respondents submit that they would have no objection if the petitioner carries on the vending activities,



subject to the same being strictly in accordance with the COV and in compliance with other applicable laws.

9. In view of the above, we dispose of the present petition by directing the respondents not to interdict or interfere with the petitioner's vending activities, subject to the petitioner complying with the terms and conditions of the COV as well as other applicable laws.

10. The petition is disposed of in the aforesaid terms. Pending application also stands disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MARCH 06, 2024/r

Click here to check corrigendum, if any