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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3706/2024**

MOHD ISRAR AND ANR

..... Petitioners

Through: Mr. Anjani Kumar Mishra, Adv. with
Mr. Kailash Kumar Jha, Adv.

versus

MUNICIPAL CORPORATION OF DELHI AND

ORS

..... Respondents

Through: Mr. Nikhil Palli, Adv. with Mr.
Arinjay Singh, Adv. for MCD.
Mr. Mohit Bhardwaj, Adv. for R-3, 4
& 5.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

13.03.2024

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1. The petitioners have filed present petition, *inter alia*, praying as under:-

I. Pass an Order directing the respondents to ensure that the petitioner Street Vendors be allowed to peacefully vend in terms of the vending certificate issued to them, on their vending sites i.e., On the Footpath, Near Fish Market Gate, Dr. Hedgewar Marg, Shahdara South Zone, Ward-5E, without any hindrance being caused by any public official.

II. Pass an order directing the SHO, PS Ghazipur to ensure that the petitioners shall not be forcefully removed from their vending sites.

III. Pass an order directing the respondents, their officials, their agents etc. be restrained from harassing the petitioners from peacefully vending at their vending sites.

IV. Pass an order directing the respondent MCD to correct the nomenclature in the column for type of vendor from Others to Stationary Street Vendor as detailed in the



vending certificate issued to the petitioners.

V. Pass an order for quashing and setting aside the terms of certificate of vending printed at the back side of the vending certificate to the extent which is not applicable to a stationary street vendor.”

2. The petitioners have prayed that they be permitted to vend at their sites described as ‘On the Footpath, Near Fish Market Gate, Dr. Hedgewar Marg, Shahdara South Zone, Ward-5E’. The petitioners further prays that the respondents and their officials be restrained from harassing the petitioners and interfering with their vending activities. The details of the petitioners/street is as under:

(i) Mohd. Israr S/o Mohd. Irfan, R/o C-191, G/F Harizan, Basti, Mulla Colony, Gharoli, Delhi ;

(ii) Md Intakhab Alam S/o Alimuddin R/o Dumaria, Kishanganj, Bihar – 855108.

3. The petitioners have been issued the Certificate of Vending (COV) which reflects their category as ‘Others’. The petitioners submit that the said COV be corrected to reflect the petitioners’ category as that of a ‘Stationary’ Vendor.

4. Admittedly, the petitioners have no fixed structure where they were licensed to vend. The petitioners were not issued Tehbazari licences and are unauthorised vendors. The petitioners are carrying vending activities on a hand cart and in terms of the COV, a mobile vendor is not permitted to vend at the given site for more than 30 minutes or such time as may be specified by the Town Vending Committee (TVC). In view of the said condition, the petitioners are required to move periodically number of times in a day.



5. Since the petitioners are vending from hand carts, we are unable to accept that the petitioners are required to be treated as stationary street vendors. It is also stated that the Town Vending Committee-II would frame a Vending Plan in terms of Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014; which would also specify the sites for stationary vendors. However, the petitioners have articulated a legitimate grievance regarding being asked to move every 30 minutes. The petitioners have also pointed out that a large number of COVs have been issued by respondent no.1, Municipal Corporation of Delhi (MCD), and it cannot be expected that all vendors will move every 30 minutes.

6. The learned counsel for the petitioners submits that the petitioners are not allowed to vend on the road and several moves in a day by all COV holders will lead to congestion of public roads.

7. Undoubtedly, the petitioners have highlighted an aspect that requires consideration. We are of the view that the MCD and the TVC should consider this in the first instance.

8. The learned counsel for the petitioners state that the petitioners have already made representations dated 11.08.2023 to the Chairman of TVC for an appropriate decision in this regard. He submits that in the meantime, the petitioners may be permitted to continue carrying on vending activities in accordance with the terms and conditions of the COV. The said course commends this Court.

9. We, accordingly, dispose of the present petition by permitting the



petitioners to make a representation to the MCD. As noted above, the petitioners have already made representation to the Chairman of TVC. We expect that the MCD and TVC will take an informed decision as to the grievances as highlighted above.

10. In the meanwhile, the petitioners shall not be interdicted from carrying out their vending activities provided the same are done in compliance of the terms and conditions of the COV.

11. The petition stands disposed of in terms of the above.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MARCH 13, 2024/SA

Click here to check corrigendum, if any