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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3718/2024

VINOD PASWAN

..... Petitioner

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

versus

**MUNICIPAL CORPORATION OF DELHI AND
ORS**

..... Respondents

Through: Mr. Shivam Sachdeva, ASC for
MCD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

13.03.2024

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

“I. Pass an order directing the respondents to allow the petitioner street vendor to peacefully vend at his vending site i.e., On the Footpath, Near Fish Market Gate, Dr. Hedgewar Marg, Shahdara South Zone, Ward-5E without any let or hindrance being caused by any public official.

II. Pass an order directing the respondents, their officials, their agents etc. be restrained from harassing the petitioner from peacefully vending at his vending site.

III. Pass an order directing the SHO, PS Ghazipur to ensure that the petitioner street vendor shall not be forcefully removed from his vending site.

IV. Pass an order directing the respondent to correct the nomenclature in the column for type of vendor from Fresh Fruits/Vegetables/Perishables to Stationary Street vendor as detailed in the vending certificate issued to the petitioner.

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 stationery street vendor.”



2. The petitioner has prayed that he be permitted to vend at his site described as 'On the Footpath, Near Fish Market Gate, Dr. Hedgewar Marg, Shahdara South Zone, Ward-5E'. The petitioner further prays that the respondents and their officials be restrained from harassing the petitioner and interfering with his vending activities.

3. The petitioner has been issued the Certificate of Vending (COV) which reflects his category as 'Fresh Fruits/Vegetables/Perishables'. The petitioner submits that the said COV be corrected to reflect the petitioner's category as 'Stationary'.

4. Admittedly, the petitioner has no fixed structure where he was licensed to vend. The petitioner was not issued Tehbazari licence and is an unauthorised vendor. The petitioner is 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 petitioner is required to move periodically number of times in a day.

5. Since the petitioner is vending from a hand cart, we are unable to accept that the petitioner is required to be treated as a stationary street vendor. 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 petitioner has articulated a legitimate grievance regarding being asked to move every 30 minutes. The petitioner has 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 petitioner submits that the petitioner is not allowed to vend on the road (ROW) and several moves in a day by all COV holders will lead to congestion of public roads.

7. Undoubtedly, the petitioner has 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 petitioner states that the petitioner has already made representation dated 11.08.2023 to the Chairman of TVC for an appropriate decision in this regard. He submits that in the meantime, the petitioner 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 petitioner to make a representation to the MCD. As noted above, the petitioner has 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 petitioner shall not be interdicted from carrying out his 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