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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3742/2024**
KAILASH SINGH

.....Petitioner

Through: Mr Bharat Aggarwal, Mr Kanhaiya
and Ms Deepanshi Singhal,
Advocates.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr Mukul Singh, CGSC, Mr Rahul
Sharma, GP, Ms Ira Singh and Mr
Utsav Pokhriyal, Advocates for
R1/IOI.

Ms Kanika Singh, ASC and Mr
Nikhil Saini, Advocates for NDMC.

Mr Divyam Nandrajog, PC, Ms
Surbhi Soni and Mr Fateh Singh
Bhullar, Advocates for GNCTD/R3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

11.09.2024

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1. The petitioner is a street vendor and has filed the present petition, *inter alia*, praying that directions be issued to respondent no.2/New Delhi Municipal Council (hereafter *the NDMC*) to allocate any vending site to the petitioner.

2. The petitioner claims that he has been carrying on vending activities at the site described as 'Near Gate No.4, Palika Bazar, Delhi' since the year 1990. The petitioner's name is also mentioned in the list of 628 vendors who were considered eligible for allotment of spaces in the area falling within the jurisdiction of NDMC, in the year 2012, for the purpose of carrying out



vending activities.

3. The area of Rajiv Chowk and Indira Chowk has been declared as no-hawking/no-vending zones under the scheme prepared in the year 2007 and thus the petitioner has been unable to carry on vending activities in the said area.

4. The petitioner has produced challans to substantiate his claim that he was carrying on vending activities at the given site. However, it is noticed that the last challan as annexed with the petition was issued in the year 2019.

5. Ms. Singh, learned counsel appearing on behalf of the NDMC submits that the petitioner has not been vending at the given site since at least five years and there is no evidence or material on record to substantiate the petitioner's claim of carrying on vending activities from the said site near Palika Bazar during this period.

6. The learned counsel appearing on behalf of the petitioner submits that the petitioner's livelihood depends on carrying on vending activities. It is thus essential that the respondents indicate some alternate area from where the petitioner can carry on his vending activities.

7. We find merit in NDMC's contention that there is no material on record to indicate that the petitioner has been carrying on vending activities at the site referred to in the petition since past five years. However, in view of the challans supplied by the petitioner, it is also clear that the petitioner was carrying on vending activities near Palika Bazar at least in the year 2019.

8. In the given circumstances, we consider it apposite to permit the petitioner to file an application with the concerned authorities for seeking allotment of any area where he can carry on the vending activities in



accordance with the given norms [Open To Sky 6X4 feet].

9. If any such application is filed within a period of two weeks from date, we request the concerned authorities to consider the same within a period of four weeks thereafter.

10. In so far as the question of survey is concerned, the learned counsel appearing for the NDMC states that the Notification under Section 4(4)(b)(ii) of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 for Aadhaar linking of the street vendors has been issued. NDMC has thereafter issued a communication dated 06.09.2024 to the National Information Centre (NIC) and also held discussions for providing 'Sub Aadhaar User Agency' and 'Sub KYC User Agency'. The NIC has since responded and provided the list of the documents to be provided by the NDMC and the NDMC is taking steps to provide the same. We expect that the NDMC shall conclude the process as expeditiously as possible.

11. The present petition is disposed of in the aforesaid terms.

12. It is needless to state that any such allocation would be purely on temporary basis till the vending plan is being prepared in accordance with Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

VIBHU BAKHRU, J

SACHIN DATTA, J

SEPTEMBER 11, 2024

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Click here to check corrigendum, if any