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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3750/2024

ZAKIR HUSAIN AND ORS

..... Petitioner

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

Versus

**MUNICIPAL CORPORATION OF DELHI AND
ORS**

..... Respondent

Through: Mr. Shivam Sachdeva, ASC for
MCD.

Mr. Divyam Nandrajog, Panel
Counsel, GNCTD with Ms. Surbhi
Soni, Adv. for R-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 at 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 **Food/Snack with gas cylinder/fire** 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.

3. The petitioners have been issued the Certificate of Vending (COV) which reflects their category as ‘Food/Snack with gas cylinder/fire’. The petitioners submit that the said COV be corrected to reflect the petitioners’ category as ‘Stationary’.

4. The relevant details of the petitioners/street vendors are as under:

(i) Zakir Hussain C/o Mohammed Islam, R/o C-523 Gali No.09, Mulla colony, Gharoli, East Delhi, Delhi – 110096;

(ii) Nisar S/o Shamshed, Ahmad, C-S23, Gali No.9, Mulla colony, Gharoli extension, Gharoli, East Delhi, Delhi – 110096;

(iii) Istekhar S/o Mohd, Irfan, C-191, Mulla colony, Gharoli, East Delhi, Delhi – 110096;



(iv) Mohammad Aaftaab, Alam C/o Zakir Husain, C-523, Gali No.9, Mulla colony, Gharoli Extension, Gharoli, East Delhi, Delhi – 110096;

(v) Md Shakir S/o Md Islam R/o Bhaghari, Ward - 10, distt. Stamarhi, Bihar, 843323;

(vi) Pankaj Chaudhari S/o Devendra R/o Village Khanpur, Katara, Hathauri, Khetalpur, East Muzaffarpur, Bihar – 843129;

(vii) Mohd. Chaman S/o Mohd. Istekhar R/o C-527 /2, Block- C, Mulla Colony, Delhi-96.

5. 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 have prayed that they be treated as ‘Stationary’ Street Vendors. However, we are unable to accept the same. 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). It is for the Town Vending Committee to 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.

6. The learned counsel for the petitioners submits that the petitioners are engaged in vending “Food/Snacks with gas cylinders/fire”. Plainly, it would be difficult for such street vendors to move every thirty minutes.

7. Learned Counsel for Respondent submits that 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. 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.

8. 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.

9. 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.

10. 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.

11. 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.



12. 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