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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4771/2023 CM APPL. 18404/2023 CM 2685/2024**
ASHOK KUMAR SHAH

..... Petitioner

Through: Mr.N.K.Sahoo, Advocate.
versus

NEW-DELHI MUNICIPAL COUNCIL AND ANR

..... Respondent

Through: Ms.Devika Mohan, ASC for NDMC.
Ms.Avni Singh, Advocate for
GNCTD.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

16.01.2024

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1. The petitioner has filed the present petition *inter alia* with the following prayers:-

(a) To issue a writ of mandamus or appropriate writ or direction or order directing the respondents for including his name in the list of 628 persons or to treat the petitioner at para with the person having name in the list of 628 list among others;

(b) To issue a writ of mandamus or appropriate writ or direction or order directing the respondents for not disturbing the petitioner for carrying on the trade from his place of squatting Opposite Shop No 17, Sarojini Nagar Market, Sarojini Nagar, New-Delhi-110023;

2. In so far as the prayer of the petitioner that his name be included in the list of 628 persons on the ground of parity, is concerned, the same cannot be granted. The list of 628 persons includes the persons who were found to be unauthorizedly carrying out vending activities at the material time.

3. The learned counsels for the respondents submit that the survey would be conducted shortly and that all persons who claim the right to carry on street vending can furnish the documents and other materials in support of



their claims that they are or were carrying out vending activities.

4. The right of the vendors to continue carrying out vending activities would be considered in accordance with the Scheme. The petitioner is not precluded from furnishing the relevant documents or material in support of his claim. The same would be considered as per the criteria as set out by the respondents.

5. The petitioner's prayer that he be not disturbed from carrying out the vending activities from site opposite to shop No.17, Sarojini Nagar Market, Sarojini Nagar, New Delhi, cannot be granted as the number of the persons who are claiming to be carrying out vending activities in the Sarojini Nagar Market exceed the capacity of the said market. It is also pointed out that the petitioner is carrying out the vending activities from the footpath, which is not permissible.

6. The petition is disposed of with the aforesaid observations. Pending applications are also disposed of.

VIBHU BAKHRU, J

RAVINDER DUDEJA, J

JANUARY 16, 2024

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Click here to check corrigendum, if any