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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4033/2024

REHRI PATRI EKTA MANCH AND ORS

..... Petitioners

Through: Mr. Dipak Raj, Adv. with Mr. Aditya,
Mr. Kamlesh Kr. Mishra, Mr. Bibhuti
Bhushan Mishra and Ms. Tripti Juyal,
Advs.

versus

**MUNICIPAL CORPORATION OF DELHI AND
ORS**

..... Respondents

Through: Mr. Aditya Vaibhav Singh with Mr.
Anand Singh, Advs. for MCD.
Mr. Rishikesh Kumar (ASC-GNCTD)
with Ms. Sheenu Priya, Mr. Atik Gill,
Mr. Sudhir Kumar Shukla and Mr.
Sudhir, Advs. for GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

18.03.2024

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1. The present petition has been filed by the petitioners/street vendors (23 in number) as well as an association (petitioner no.1) *inter alia* praying that they be not disturbed in carrying on their vending activities on the Sangam Vihar, Central Zone, Ward-S-83, New Delhi.

2. The petitioner nos. 2 to 23 have been issued Certificates of Vending (COVs) in various categories including fresh fruits/vegetables/perishables and food/snack with gas cylinder/fire by the Municipal Corporation of Delhi. These petitioners have sought a direction that the nomenclature in their respective COVs be corrected to read as "*Stationary Vendor*".

3. The petitioners are, essentially, aggrieved as they are not being



permitted to vend at their sites. They are being called upon by the concerned respondents to re-locate from their vending location every thirty minutes. The said stipulation is contained in Clause 11 of the Terms and Conditions applicable to the COV issued to the petitioners.

4. The petitioners have also sought a direction that they be not removed from their vending sites and that they be declared as “*Stationary Street Vendor*”.

5. We are not persuaded to accept the same.

6. Admittedly, no specific site was allotted to the petitioners. The petitioners are also not vending from a permanent or semi-permanent structure. Thus, till a decision is taken by the TVC, the petitioners are required to be considered as Mobile Vendors.

7. Having stated the above, we are of the view that the petitioners have highlighted an issue that requires consideration by the concerned authorities. Calling upon the Mobile Vendors to move or relocate every thirty minutes would inevitably put a higher pressure on the streets, in addition to causing some amount of inconvenience to the vendors.

8. Section 6(1) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 (hereafter *the Act*’) expressly provides that the COV can be issued under three categories:-

- a. Stationary vendor;
- b. Mobile vendor; or
- c. Any other category as may be specified under the Scheme.

9. Undisputedly, the COV is required to be in terms of the Act and thus, must clearly classify the category of the street vendors.

10. The learned counsel for the respondents submit that they would have no



objection in the petitioner nos. 2 to 23 carrying out their vending activities subject to the same being strictly in accordance with the COVs.

11. In view of the above, we dispose of the present petition by directing that the respondents shall not interdict or interfere with the vending activities of petitioner nos. 2 to 23, subject to the said petitioners complying with the terms and conditions of the COVs.

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

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MARCH 18, 2024/SA

Click here to check corrigendum, if any