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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4304/2024 CM APPL. 17631/2024 CM APPL. 17632/2024**
NEPALI & ANR. Petitioners

Through: Ms. Meenakshi Joshi, Adv. with Ms.
Aprajita Verma, Mr. Himanshu,
Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ANR. Respondents

Through: Ms. Shweta Priya, Advocate for
MCD.
Mr. Divyam Nandrajog, Panel
Counsel, GNCTD with Ms. Surbhi
Soni, Adv. for GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

21.03.2024

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CM APPL. 17632/2024 [Exemption]

1. Exemption is allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 4304/2024

3. The petitioners have filed the present petition, *inter alia*, praying as under:-

“a) Issue an appropriate Writ of Mandamus, Order or direction to the Respondents No. 1& 2 not to disturb the petitioners from vending at Central Zone, Ward-S-60, South Delhi Municipal Corporation, Delhi-110024.”

4. The petitioners have been issued Certificates of Vending (COVs) which indicate the vending area as “Central Zone, Ward- S-60”. Admittedly, the petitioners do not have Tehbazari licenses for vending from a fixed site. Thus, in accordance with the terms and conditions of the COVs, the



petitioners are proscribed from vending at a particular place for more than 30 minutes or any such time as may be determined by the Town Vending Committee (TVC).

5. The petitioners have also sought a direction that they be not removed from his vending site.

6. We are not persuaded to accept the same.

7. Admittedly, no specific site was allotted to the petitioners. The TVC is required to conduct a survey and NDMC is required to prepare a vending plan in terms of Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 in consultation with the TVC. Thus, till a decision is taken by the TVC, the petitioner is required to be considered as “*Mobile Vendor*”.

8. The learned counsel appearing for the respondents submit that they would have no objection if the petitioners carries on the vending activities, subject to the same being strictly in accordance with their COVs and in compliance with other applicable laws.

9. In view of the above, we dispose of the present petition by directing the respondents not to interdict or interfere with the petitioners’ vending activities, subject to the petitioners complying with the terms and conditions of their COVs as well as other applicable laws.

10. The petition is disposed of in the aforesaid terms. Pending application also stands disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MARCH 21, 2024/SA

[Click here to check corrigendum, if any](#)