



\$~73

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Date of Decision : 10.09.2024+ **W.P.(C) 4340/2021****JAGMOHAN LAL & ANR.**

.....Petitioners

Through: Mr. Davinder Narain Grover and
Ms.Vijay Lakshmi Grover,
Advocates.

Versus

THE CHAIRMAN TVC-NDMC & ORS.

.....Respondents

Through: Mr. Sriharsha Peechara, SC along
with Mr. Akshat Kulshreshta,
Mr. Shubham Mishra and Mr. D.S.
Bhan, Advocate. for NDMC.**CORAM:****HON'BLE MR. JUSTICE VIBHU BAKHRU****HON'BLE MR. JUSTICE SACHIN DATTA****VIBHU BAKHRU, J. (ORAL)**

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

“a. admit the writ petition against the respondents.

b. direct the NDMC to issue permission letter as has been issued to the number of similarly situated street vendor (like Smt Lali) as those of petitioners pending final call by the TVC for allotment of space under the Act.

c. direct the respondents to issue required LOR to the petitioners as per law and if required by adopting /incorporating additional criteria in this regard as per clause 5 of PMSVNidhi Scheme because admittedly all petitioners are



existing vendors and may not be denied of beneficial Scheme merely on whim and fancy of the officials of NDMC.

d. That direction may be issued that the respective present vending sites opposite Kios No 19 & 9 respectively near Gate No 3 Paliak Bazar, Connaught Place New Delhi (more particularly as mentioned in the Memo of Parties) of petitioners may not be disturbed till such time the TVC of NDMC will complete the exercise of proper verification and final allotment of vending site to them as per Act as petitioners are existing and verified vendor and has already been earlier protected by this Hon'ble Court as his name being found in the list of 628 person to whom NDMC has admitted to be existing vendor.”

2. The petitioners are street vendors and claim that they have been carrying on vending activities at the site described as ‘Near Gate No. 3, Palika Bazar, Connaught Place, New Delhi’ (hereafter *the said site*) since four or five decades.
3. The petitioners are essentially aggrieved by the New Delhi Municipal Council (hereinafter *the NDMC*) taking repeated steps to remove them from the said site.
4. The learned counsel for the petitioners submits that although the said area (Indira Chowk and Rajiv Chowk) has been declared as a ‘No-Vending/ No-Hawking Zone’, the NDMC had issued letters of permission to other street vendors including one Smt. Lali and had permitted her to vend in the given area.
5. The petitioners also pray that being street vendors, they are entitled to the benefit of the PM Street Vendor’s *AtmaNirbhar Nidhi* (PM SVANidhi) and pray that directions be issued to the respondents to consider the issuance



of the Letters of Recommendation (hereinafter *the LORs*) for availing the benefit of the said scheme.

6. The NDMC stoutly disputes the petitioners' claim that they have been carrying out vending activities at the given site.

7. Mr. Sriharsha Peechara, the learned counsel for the respondent NDMC points out that the petitioners have produced two *challans*, one issued in the year 2015 and another issued in the year 2020 in support of their contentions that they have been carrying on vending activities. He submits that the NDMC has been regularly removing unauthorized street vendors from the area including the area of Indira Chowk and Rajiv Chowk, in compliance of the orders passed by this Court in another petition. And the two *challans*, issued five years apart, not establish that the petitioners have been carrying on vending activities from the said site.

8. He also submits that a survey was conducted in the year 2018 and the petitioners were not found vending at the said time. Insofar as the letter issued to one Smt. Lali is concerned, he submits that the said letter was withdrawn and the same was also reported to the Court in another petition.

9. The names of the petitioners find mention in the list of 628 street vendors that were found eligible for allotment of *tehbazari* sites in the year 2012. It is, thus, reasonable to accept that the petitioners were carrying on activities as street vendors at the time when the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter *the Act*) came into force. However, there is merit in the respondents' contention that there is insufficient material to establish that the petitioners have been continuously carrying on their vending activities at the given site since 2014.



10. The area of Indira Chowk and Rajiv Chowk has been declared 'No-Vending/No-Hawking Zone' in terms of the Scheme prepared in the year 2007. The said Scheme will continue to be operative, insofar as declaration of no vending zones is concerned, till a fresh vending plan is prepared in accordance with Section 21 of the Act as held by a Co-ordinate Bench of this Court in *Vyapari Kalyan Mandal Main Pushpa & Anr. v South Delhi Municipal Corporation & Others*.¹

11. Having stated the above, it is also evident that the petitioners were carrying on street vending activities when the Act came into force. They submit that it is necessary for them to do so to meet their livelihood.

12. In the aforesaid context, we consider it apposite to permit the petitioners to make a representation to the NDMC for allocation of an alternative area where the petitioners may carry on their vending activities.

13. We are also persuaded to issue this direction as it is the stated stand of the NDMC that all persons whose names find mention in the list of 628 street vendors and who have been found to be vending thereafter are entitled to be accommodated in the area within the jurisdiction, albeit on a temporary basis.

14. Insofar as the issuance of LORs is concerned, the petitioners may approach the Urban Local Body Level Committee (ULB) for the same. The concerned authority shall examine the petitioners' case and issue the LORs if the petitioners are found entitled to the same.

15. If the petitioners make a representation as indicated above to the

¹ 2017 SCC OnLine Del 8962



NDMC within a period of four weeks from date, the same would be considered as expeditiously as possible and in any event, within a period of four weeks thereafter.

16. The present petition is disposed of with the aforesaid directions.

VIBHU BAKHRU, J

SACHIN DATTA, J

SEPTEMBER 10, 2024

r