



\$~34

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4542/2024**
TULA RAM AND ORS

..... Petitioner

Through: Mr.Aditya, Mr.Anjani Kumar Mishra
and Mr.Akhil Rexwal, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

..... Respondent

Through: Mr.Divyam Nandrajog, PC and
Mr.Jatin Dua, Advocate for GNCTD.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

28.03.2024

%

1. The petitioners (five in numbers) 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 Akshardham Metro Station, Noida Link Road, Shahdara South Zone, Ward-16E, New Delhi, without any hindrance being caused by any public official.

II. Pass an order directing the SHO, PS Mandawali 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 as **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.

VI. Pass any such directions or order that this Hon'ble Court deems fit and proper in the facts and circumstances of the above-mentioned case."

2. The petitioners have prayed that they be permitted to vend at their sites described as 'On the footpath, Near Akshardham Metro Station, Noida Link Road, Shahdara South Zone, Ward-16E, New Delhi'. The petitioners further pray 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 Certificates of Vending (**CoVs**). The respective CoVs of petitioner nos. 1 to 3 reflect their type as 'Food/Snack without gas cylinder/ fire'; the CoV of petitioner no.4 reflects its type as 'Food/Snack with gas cylinder/ fire'; and the CoV of petitioner no.5 reflects it as 'others'. The petitioners claim that their COVs are required to be corrected to reflect their category as 'Stationary'.

4. 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 are carrying on vending activities on hand carts and in terms of the COV, a mobile vendor is not permitted to vend at a 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 a number of times in a day.



5. Since the petitioners have not been allotted any particular site, it is not possible for us to readily accept that the petitioners are required to be treated as stationary street vendors. It is also stated that the Town Vending Committee-II would 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. However, the petitioners have articulated legitimate grievances 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/ the Municipal Corporation of Delhi (**MCD**), and it cannot be expected that all street vendors will move every 30 minutes. They submit that street vendors are not allowed to vend on the road (**ROW**) and several moves in a day by all COV holders will lead to congestion of public roads.

7. 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.

8. The learned counsel for the petitioners state that the petitioners have already made representations dated 19.03.2024 to the MCD, Commissioner of Police as well as 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.

9. We, accordingly, dispose of the present petition noting that the petitioners have already made representations to the MCD and TVC. We



expect that the MCD and TVC will take an informed decision as to the grievances as highlighted above.

10. 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.

11. The petition stands disposed of in terms of the above.

VIBHU BAKHRU, J

GIRISH KATHPALIA, J

MARCH 28, 2024

M

Click here to check corrigendum, if any