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

+ **W.P.(C) 4697/2024**

MISBAHUL QUAMAR AND ORS

..... Petitioners

Through: Mr.Aditya, Mr.Dipak Raj, Mr.Kailash
Kumar Jha and Mr.Anjani Kr.
Mishra, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

..... Respondents

Through: Mr.Misbahul Quamar, Mr.Abhinav
Sharma and Mr.Mahender Shukla,
Advocates for MCD.
Mr.Divyam Nandrajog, PC and
Ms.Surbhi Soni, Advocate for R3 to
R5/GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

02.04.2024

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1. The petitioners (29 in numbers) have filed the 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 in terms of the vending certificate issued to them, on their vending sites i.e., On the footpath, Patri Subhash Park to Nahar Patri, Meena Bazar, Jama Masjid, City-SP Zone, Ward-85-N., Delhi, without any hindrance being caused by any public official.

II. Pass an order directing the SHO, PS Jama Masjid 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 detailed in the vending certificate issued to the petitioners and mention Stationary Street Vend or in the column for type of vendor.

V. Pass an Order directing the respondents to decide the representation dated 20.03.2024 made by the petitioners.

VI. 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.'

2. The petitioners, *inter alia*, pray that they be allowed to vend in terms of their respective Certificates of Vending (COVs) on their sites described as 'On the footpath, Patri Subhash Park to Nahar Patri, Meena Bazar, Jama Masjid, City-SP Zone, Ward-85-N., Delhi'. They also pray that their respective COVs be amended to reflect them as '*Stationary Vendors*'. Additionally, a prayer is made that directions be issued to the respondents to decide the representation dated 20.03.2024 made by them.
3. Admittedly, the petitioners have not been allocated any fixed place or issued any license to vend at a particular site. Therefore, at the current stage, the petitioners cannot be considered as stationary vendors.
4. The COVs issued to the respective petitioners reflect the area of their vending as 'City-SP Zone, Ward-85-N'. It is material to note that in terms of Clause 11 of the terms and conditions as applicable to the COVs, mobile vendors are not permitted to stay or vend for more than 30 minutes (or any other time, as may be specified by the TVC) at a place in the vending/squatting zone.
5. Thus, in terms of the COV, the petitioners cannot vend at a particular site for more than 30 minutes or such other time as may be specified by the TVC and are required to move periodically. The petitioners have also filed



the representation to the Deputy Commissioner and the Chairman, TVC, which is pending consideration.

6. In the aforesaid view of the matter, this Court consider it apposite to dispose of the present petition by directing that the petitioners would not be interdicted in case, they carry on their vending activities strictly in compliance with the terms and conditions of their respective COVs. This is further subject to the condition that the vending site does not fall in a *No Vending Zone* or *No Hawking Zone*. The TVC is also directed to consider the representation of the petitioners in accordance with law.

7. It is clarified that this order will not preclude the petitioners from seeking consideration of their request to be treated as stationary vendors at an appropriate stage as and when the Vending Plan is prepared in terms of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

VIBHU BAKHRU, J

SHALINDER KAUR, J

APRIL 02, 2024

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Click here to check corrigendum, if any