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

+ **W.P.(C) 5241/2024 & CM Appl.21467/2024 and 21468/2024**

HARI KISHAN TIWARI

..... Petitioner

Through: **Mr. Bharat Aggarwal, Mr. Kanhaiya
and Mr. Deepanshi Singhal, Advs.**

versus

NEW DELHI MUNICIPAL COUNCIL & ANR. Respondents

Through: **Mr. Sri Harsha Peechara, SC with Ms.
Devika Mohan, Ms. Harshita Gupta
and Mr. Shubham Mishra, Advs. for
NDMC.**

**Mr. Divyam Nandrajog, Panel
Counsel with Mr. Jatin Dua, Adv. for
GNCTD.**

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

10.04.2024

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1. The petitioner has filed the present petition, inter alia, praying as under:

“a) Direct the Respondent No.1/TVC to complete the Proposal in all manners as per observation raised by the Ministry Of Electronics and Information Technology immediately as the matter of survey is pending from last 10 years.

b) Direct the Respondent No.1 to allow the petitioner for vending at any available vending site in NDMC area to protect the Livelihood of Petitioner as the petitioner is a daily bread earner of his family.”

2. In so far as the first prayer is concerned, this Court is informed that respondents are actively pursuing the proposal of linking Aadhar for the purposes of conducting the survey. The learned counsel for the respondent/NDMC submits that pointers have been received from the



Ministry of Information Technology, Government of India and some of the issues are technical and have been referred to the surveying agency. The learned counsel for the respondents assures that respondents are doing all that is necessary for ensuring that survey is completed shortly.

3. This Court is also examining the steps being taken by Municipal Authorities for addressing the issues relating to integrating the Aadhar biometric authentication and access code for conducting of the survey in W.P.(C)3742/2024 captioned ***Kailash Singh v. Union of India & Anr.*** In this view, we do not consider it apposite to pass any order in this petition.

4. In so far as the second prayer is concerned, the petitioner is carrying out its vending activities in the area of Sarojini Nagar Market, New Delhi.

5. According to the NDMC, the petitioner is not permitted to vend at the said site. It is stated that the petitioner's name does not feature in the list of 628 unauthorised vendors, who were operating at the relevant time and are covered by protective orders passed by this Court.

6. The learned counsel for the respondents submits that there are a large number of street vendors, who claim that they are entitled to vend from sites located in Sarojini Nagar. However, the capacity of the market is insufficient to support such a large number of vendors.

7. As stated above, the survey is being conducted. We therefore dispose this petition by directing that the petitioner would also have a right to participate in the survey and furnish all the documents or material to establish that he has been carrying on vending activities. It is stated that the Town Vending Committee (TVC) shall consider the material and documents as furnished by the petitioner for taking an informed decision.

8. We also direct that the concerned TVC shall consider the petitioner's



representation dated 20.09.2023, a copy of which is annexed to this petition.

9. The petition is disposed of in the aforesaid terms. All pending application(s) stand disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

APRIL 10, 2024/r

Click here to check corrigendum, if any