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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5619/2024 CM APPL. 23197/2024 CM APPL. 23198/2024**

VIJAY @ BIRJOO

..... Petitioner

Through: Mr. Bharat Aggarwal, Mr. Kanhaiya
and Ms. Deepanshi Singhal, Advocate

versus

NEW DELHI MUNICIPAL COUNCIL & ANR. Respondents

Through: Appearance not given.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

23.04.2024

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CM APPLs. 23197/2024, 23198/2024/Exemptions]

1. Exemptions allowed, subject to just exceptions. Applications are disposed of accordingly.

W.P.(C) 5619/2024

2. The petitioner has filed the present petition *inter alia* praying as under:

“a) Direct the Respondent No.1/TVC to not to dispossess or obstruct or disturb the petitioner in carrying on his trade from site i.e. At Ram Leela Stage, Type-I Qtrs, Prithviraj Lane, Khan Market, New Delhi in terms of section 3(3) of the street vendors (protection of livelihood and regulation of street vending) act 2014 and;

b) Direct the Respondent no.1/TVC to conduct the survey of the petitioner within time bound manner and issue certificate of vending in favour of the petitioner.

c) Direct the Respondent No.1 to decide the petitioner's representation



dated 10/04/2024 in accordance with law.”

3. In so far as the petitioner's prayer to include him in the survey is concerned, the learned counsel appearing for the respondents submits that in terms of paragraph 1.1.12 of the Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019, all persons claiming to be street vendors would be provided an opportunity to submit evidence in support of their claim that they are engaged in street vending. Learned counsel further submits that this would be irrespective of whether a street vendor has been found at the given site or not.
4. In view of the above statement, the petitioner's grievance regarding holding of the survey and for his representation dated 10.04.2024 to be considered, is addressed.
5. The petitioner also prays that he may not be disturbed from carrying on his trade from the given site, that is, at Ram Leela Stage, Type-I Qtrs, Prithviraj Lane, Khan Market, New Delhi.
6. The learned counsel appearing for the respondents submit that the actual survey will determine whether the petitioner can be permitted to carry on vending activities from a fixed site. Admittedly, the petitioner has not been allocated any site thus it would not be apposite permitting the petitioner to carry on vending activities from a fixed site. The question of allocating sites would be considered by the concerned TVC/NDMC at an appropriate stage after the survey is completed.
7. In view of the above, we do not consider it apposite to pass any orders which in effect permit the petitioner to carry on vending activities from the specified site at Khan Market.



8. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

APRIL 23, 2024

g.joshi

Click here to check corrigendum, if any