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

+ **W.P.(C) 5889/2024**

YAMUNA PAR HAWKERS ASSOCIATION

.....Petitioner

Through: Mr. Kamlesh Kumar Mishra,
Ms. Shivani Verma and Ms.
Renu, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: Ms. Tajinder Viridi, Standing
Counsel for MCD.
Mr. Ashutosh Kumar Singh,
Ms. Apurva and Ms. Sakshi
Karnwal, Advs. for Pandav
Nagar-RWA.
Mr. Aman Wasan, Adv. for
R-5/GNCTD.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

12.12.2024

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1. This writ petition has been preferred seeking the following reliefs:-

“I. Pass a writ of certiorari thereby quashing and setting aside the order dated 19.04.2024 issued by the Dy. Commissioner, Shahadara South Zone, Municipal Corporation of Delhi, to the extent that the decision whatsoever be taken with regard to the weekly market shall be taken by the Town Vending Committee and not solely by the Dy. Commissioner, Shahadara South Zone, MCD, as has been purportedly did played vide the impugned letter.

II. Pass an order directing the respondent MCD to place its decision for approval before the Town Vending Committee.

III. Pass an order thereby directing the MCD prepare a vending plan for the Wednesday weekly market in terms of section 21 of the



Street Vendors Act, 2014.

IV. Pass a writ of mandamus thereby directing the respondents that any decision which is to be taken with regard to the Wednesday weekly market, conducted in Pandav Nagar, Known as (Buddh Bazar Pandav Nagar) shall be taken in consultation with the petitioner organization so also in conformity with the provisions of the Street Vendors (Protection Of Livelihood And Regulation Of Street Vending) Act, 2014.

V. Pass an order thereby declaring that the Wednesday weekly market, conducted in Pandav Nagar, Known as (Buddh Bazar Pandav Nagar) which is being organised for past more than 50 years be declared as a heritage market in terms of the second schedule of the Street Vendors (Protection Of Livelihood And Regulation Of Street Vending) Act, 2014.

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. Pursuant to notice having been issued, the Municipal Corporation of Delhi ['MCD'] has filed a Status Report and which has been placed on our record. We have also heard learned counsel appearing for the Residents Welfare Association ['RWA'].

3. The decision to shift the weekly market which was being held by members of the petitioner-association to Monday, appears to have been triggered by an order of 20 February 2024 passed on a writ petition preferred by the Pandav Nagar RWA, which had approached this Court for appropriate directions being framed for the weekly market being shifted from Wednesday to every Monday. Since it was alleged that our order of 20 February 2024 had not been complied with, contempt proceedings came to be instituted thereafter.

4. From the disclosures which are made in the Status Report filed by the MCD, we are informed that a joint meeting of all stakeholders was thereafter convened on 19 April 2024 and which was attended by the members of the Town Vending Committee ['TVC'], RWA as well as the head of the petitioner-association. It was after the said meeting



that a decision was taken to shift the market from Wednesday to Monday.

5. We were informed of the serious inconveniences which were being caused to the local residents on account of the holding of the weekly market on Wednesday when the local markets were also functioning. The Court is apprised of the fact that on Mondays, the local market of the locality in question is closed and it was on the aforesaid reasoning that the weekly market conducted by members of the petitioner-association was shifted. It is thus manifest that the interests of all parties has been adequately balanced and attended to.

6. Bearing in mind the aforesaid, we find no justification to interfere with the ultimate decision taken by the MCD.

7. The writ petition fails and shall stand dismissed.

YASHWANT VARMA, J.

GIRISH KATHPALIA, J.

DECEMBER 12, 2024/RW