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

+ W.P.(C) 5936/2024

DILIP SINGH

..... Petitioner

Through: Mr. Aditya, Mr. Kailash Kumar Jha &
Mr. Deepak Raj, Advs.

Versus

MUNICIPAL CORPORATION OF DELHI & ORS..... Respondents

Through: Mr. Siddhant Nath, Adv. for MCD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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14.05.2024

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

- “I. Pass an order directing the respondents to allow the petitioner street vendor to peacefully vend at his vending site i.e., On the footpath, Shivaji Marg, adjacent Maharishi Dayanand Saraswati Park, Najafgarh Road, Janakpuri West, West Zone, Ward-S-14, New Delhi without any let or hindrance being caused by any public official.
- II. Pass an order directing the respondents, their officials, their agents etc. be restrained from harassing the petitioners from peacefully vending at their vending sites.
- III. Pass an order directing the SHO, PS Janak Puri to ensure that the petitioner street vendor shall not be forcefully removed from his vending site.
- IV. Pass an order directing the respondent to correct the nomenclature in the column for type of vendor from **Others** to **Stationary Street vendor** as detailed in the vending certificate issued to the petitioner.
- 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 stationery street vendor.”



2. It is not denied that the petitioner is suffering from 40% permanent locomotor disability. He submits that he is a stationary vendor and therefore, the Certificate of Vending (hereafter *COV*) issued to him must reflect the same.

3. The learned counsel appearing for the Municipal Corporation of Delhi (hereafter *MCD*) submits that the *COV* issued to the petitioner is an interim *COV*. He further submits that since no fixed site has been allocated to the petitioner, he cannot, at this stage, be considered as a stationary vendor. He also states that in terms of the *COV*, the petitioner cannot carry on the vending activities from a fixed place for more than thirty minutes or till such time as may be fixed by the Town Vending Committee (hereafter *TVC*). It is also contended that the petitioner has violated the terms of the *COV* by raising a permanent/semi-permanent structure.

4. The petitioner has furnished photographs, which indicate that he is carrying on his vending activities from a small cart which is on wheels.

5. According to learned counsel appearing for the *MCD*, such wheels have been placed during the last one week. Be that as it may, it is clear that the petitioner has now placed his vending cart on wheels and therefore, the benefit of the same must be accorded to the petitioner. Since it is not disputed that the petitioner is suffering from locomotor disability, we consider it apposite to direct the *MCD* or the concerned *TVC* to consider the petitioner's case for being permitted to vend at a fixed place pending the constitution of the second *TVC*. Pending such consideration, the petitioner may be permitted to carry on his vending activities from the site as stated by the petitioner, that is, on the footpath, Shivaji Marg, adjacent Maharishi Dayanand Saraswati



Park, Najafgarh Road, Janakpuri West, West Zone, Ward-S-14, New Delhi.

6. The petition is disposed of in the aforesaid terms.

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VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 14, 2024

‘gsr’

[Click here to check corrigendum, if any](#)