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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 5950/2024 CM APPL. 24731/2024 CM APPL. 24732/2024
SANJEEV KUMAR AND OTHERS Petitioner
Through: Mr. Abhishek Saxena, Adv. (through VC).

versus

MUNICIPAL CORPORATION OF DELHI AND OTHERS Respondent
Through: Ms. Shewta Priya, Adv. for MCD.
Mr. Divyam Nandrajog, PC and Mr. Jatin Dua, Advocate for R2 and R3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

06.05.2024

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2. The petitioners (4 in number) have filed the present petition *inter alia* praying as under:

“A. Pass an Order directing the respondents to ensure that that the petitioners are allowed to peacefully vend in terms of their vending sites i.e. Shahdara south zone ward 19-E, New Delhi, without any Let or hindrance being cause by any public official.

B. Pass an order directing the respondents, their officials, their agents etc. be restrained from harassing-dislocating-removing the petitioners from peacefully vending at his vending site.

C. Pass an order directing the SHO PS. MADHU VIHAR to ensure that the petitioner street vendor shall not be forcefully and illegally be removed from his vending site.

D. Pass an order directing the respondent Government of NCT of Delhi to comply and effectuate the provision of section 20 of the STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATIONS OF STREET VENDING) ACT, 2014, and make the dispute redressal committee functional within the stipulated time period.

E. Pass an such order that no street vendors shall be evicted from his vending sites till the formation of the vending zone.

F. Pass an such order to decide representations dated 20/09/2023 CHAIRMAN, TOWN VENDING COMMITTEE SHAHDARA SOUTH



*ZONE TO DECIDE THE CATEGORY OF THE STREET VENDORS,
within in a stipulated period of time.”*

2. The petitioners claim that they have been carrying on vending activities from a site located at Ward S-19 E, Shahdara South Zone, Delhi. The petitioners have also been issued Certificates of Vending (COV) indicating their vending area as Shahdara South Zone, Ward – 19E. The petitioners are essentially aggrieved on account of the conditions of the COV which require them to not carry on vending activities at a particular site for more than a particular time. The petitioners claims that they are required to be treated as “stationary vendor” and not as a “mobile vendor”. The petitioners have also filed representations dated 20.09.2023 to the Town Vending Committee in this regard.

3. It is contended by learned counsel for the respondent that at this present stage, the petitioners cannot be treated as “stationary vendor” as no specific site has been allocated to them. He states that after the survey is complete, the second Town Vending Committee (TVC-II) would be constituted and the Municipal Corporation of Delhi would prepare a vending plan in consultation with TVC-II. At that stage, the question of vending at a fixed place may be considered.

4. The learned counsel for the petitioners submits that the representation be kept pending and be considered at an appropriate stage. The learned counsel for the respondents has no objection to the same. In view of the above, we dispose of the petition by directing that the petitioners shall not be interdicted or interfered with in carrying on their vending activities subject to the petitioners complying with the terms and conditions of the COV. The representations dated 20.09.2023 made by the petitioners [which are



annexed at Annexure P3] shall be considered by the concerned TVC at an appropriate stage.

5. The petition is disposed of in the aforesaid terms. All pending applications also stand disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 06, 2024/SA

Click here to check corrigendum, if any