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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6016/2024**
MOHD. ALI

..... Petitioner

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

versus

NEW DELHI MUNICIPAL COUNCIL & ANR.

..... Respondents

Through: Mr.Sriharsha Peechara, SC, Mr.Sukrit
Seth, ASC, Ms.Harshita Gupta,
Mr.Akshat Kulshrestha and
Mr.Shubham Mishra, Advocates for
NDMC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **30.04.2024**

CM APPL. 25004/2024(Exemption) CM APPL. 25005/2024(Exemption)

1. Exemptions are allowed, subject to just exceptions.
2. The applications stand disposed of.

W.P.(C) 6016/2024

3. The petitioner has filed above petition, *inter alia*, praying as under:-

‘a) Direct the Respondent No.2 to allocate the petitioner at any available vending site to protect the Livelihood of petitioner as the petitioner is a daily bread earner of his family.’

4. The petitioner is a street vender and claims that his name features in the list of 628 vendors that was prepared in the year 2012 and has been



carrying on vending activities in the vicinity of Palika Bazar, New Delhi. However, since the said area has been declared as a no-vending zone, the petitioner has been removed from the said area. It is in the aforesaid context that the petitioner prays that directions be issued to the respondents to allocate any available vending site in order to enable the petitioner to carry on his vending activities for his livelihood.

5. The learned counsel appearing on behalf of the New Delhi Municipal Council (hereafter *NDMC*) submits that the petitioner was offered an alternative site at Laxmi Nagar Market, but the petitioner had declined the same. He also points out that the petitioner had filed a writ petition in this Court after his removal, but has concealed this fact in this petition.

6. The learned counsel appearing on behalf of the petitioner submits that the petitioner did not move to the offered site in Laxmi Nagar Market, as the said site has no potential for the petitioner to earn his livelihood. He states that the said market is not visited by sufficient number of customers. He submits that the respondents be directed to offer any other available site or area, where it is feasible for the petitioner to earn his livelihood.

7. In the facts and circumstances, particularly considering the fact that the name of the petitioner is features in the list of 628 street vendors, which was prepared for allocating the sites by lottery, we consider it apposite to direct the respondents to consider the petitioner's request and if feasible allocate any area where he can carry on his vending activities. It is clarified that such allocation would be purely on a temporary basis and would not give rise to any rights in favour of the petitioner by virtue of such allocation.

8. We request the concerned authorities to consider the request of the petitioner expeditiously and preferably within a period of two months from



today.

9. The petition stands disposed of in the above terms.

VIBHU BAKHRU, J

GIRISH KATHPALIA, J

APRIL 30, 2024

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Click here to check corrigendum, if any