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

+ **W.P.(C) 6066/2024**

SUMITRA DEVI CHAURISIYA

..... Petitioner

Through: Mr Aditya, Mr Kailash Kumar Jha,
Mr Anjani Kumar Mishra and Mr
Akhil Rexwal, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

AND ORS

..... Respondents

Through: Mr Mukesh Gupta, Standing Counsel
for R-1 with Mr Shashi Gupta, Mr
Arnav Gupta, Mr Deepak Hasti and
Mr Chaitanya Madhav, Advocates.
Mr Divyam Nandrajog, Advocate for
GNCTD with Mr Mayank Kamra and
Mr Jatin Dua, Advocates for R-3, 4 &
5.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

30.04.2024

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1. The petitioner is a street vendor and has filed the above petition, *inter alia*, praying that she not be disturbed in carrying on her vending activities from the footpath, adjacent to Dussera Ground, Opposite E-Block Market, Vikaspuri, West Zone, Ward-S-20, New Delhi.

2. The petitioner is, essentially, aggrieved by being called upon by the concerned respondents to re-locate from the said vending location every thirty minutes. The said stipulation is contained in Clause 11 of the Terms and Conditions applicable to the Certificate of Vending (COV) issued to the petitioner.



3. One of the issues raised in the present petition is the insistence of the respondents that the petitioner has to move every 30 minutes. The COV granted to the petitioner indicates that she is vending 'Food/Snack without gas cylinder/fire'. It is submitted that it may not be feasible for such street vendors to move every 30 minutes.
4. The petitioner has also sought a direction that she be declared as a "*Stationary Street Vendor*".
5. We are not persuaded to accept the same.
6. Admittedly, no specific site has been allotted to the petitioner. The petitioner is also not vending from a permanent or semi-permanent structure. Thus, till any other decision is taken by the Town Vending Committee (TVC), the petitioner is required to be considered as a Mobile Vendor.
7. Having stated the above, we are of the view that the petitioner has highlighted a serious issue that requires consideration by the concerned authorities. Calling upon vendors to move or relocate would inevitably put higher pressure on the streets, in addition to causing substantial amount of inconvenience to the vendors.
8. Section 6(1) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter *the Act*) expressly provides that the COV can be issued under three categories:-
 - a. Stationary vendor;
 - b. Mobile vendor; or
 - c. Any other category as may be specified under the Scheme.
9. Undisputedly, the COV is required to be in terms of the Act and thus, must clearly classify the category of the street vendors.
10. As noted above, the petitioner has already filed representations with



the TVC. It would be necessary for the TVC to take an appropriate decision in this regard till the survey is completed and a vending plan is put in place.

11. We also direct that the respondents shall not obstruct or disturb the petitioner from carrying on her vending activities provided the same are carried on in accordance with the Terms and Conditions of the COV.

12. Accordingly, we dispose of the present petition by directing the concerned TVC to consider the representation moved by the petitioner and take an informed decision. Needless to state, the denial of relief as sought for by the petitioner from this Court would not preclude the TVC from considering the same.

13. The petition stands disposed of in the aforesaid terms.

VIBHU BAKHRU, J

GIRISH KATHPALIA, J

APRIL 30, 2024
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