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

+ **W.P.(C) 6125/2024**

KAILASH KUMAR

..... Petitioner

Through: Mr. Aditya, Adv. with Ms. Anjani
Kumar Mishra, Mr. Kailash Kumar
Jha, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

..... Respondents

Through: Ms. Tajinder Viridi, SC for MCD/R1.
Mr. Abhinav Garg, PC and Mr. Mihir,
Advocate for GNCTD/R3 to R5.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

01.05.2024

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1. The petitioner is the street vendor and has filed the above petition, *inter alia*, praying that he be not disturbed in carrying on his vending activity at the site, on the footpath, Lal Sain Mandir Marg, Near Delhi Jal Board office, Janakpuri, West Zone, Ward-S-15, New Delhi.
2. The petitioner is essentially aggrieved 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. The COV granted to the petitioner indicates that he is vending 'Food/Snack with 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 he be not removed from his vending site and that he be declared as a “*Stationary Street Vendor*”.
5. We are not persuaded to accept the same.
6. Admittedly, no specific site was 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 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 the Mobile Vendors to move or relocate would inevitably put a 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. It is also noted that the petitioner is engaged in vending “Food/Snacks with gas cylinders/fire”. Plainly, it would be difficult for such street vendors to move every thirty minutes.
11. The petitioner has already filed a representation with the TVC in this regard. 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.



12. We also direct that the respondents shall not obstruct or disturb the petitioner from carrying on his vending activities provided the same are carried on in accordance with the terms and conditions of the COV.

13. 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, by this Court would not preclude the TVC from considering the same.

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

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 01, 2024/SA

Click here to check corrigendum, if any