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

+ **W.P.(C) 6155/2024 & CM APPL. 25624/2024**

SANTOSH KUMAR

..... Petitioner

Through: Mr. M.K. Perwez, Adv.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Chetan, Adv. for NDMC.

Mr. Rishikesh Kumar, ASC with Ms.
Sheenu Priya, Mr. Atik Gill, Mr.
Sudhir Kumar Shukla and Mr. Sudhir,
Advs. for GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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02.05.2024

CM Appl.25625/2024[condonation of delay]

1. For the reasons stated in the application, the delay in re-filing the
aforementioned petition is condoned.
2. The application is disposed of.

W.P.(C) 6155/2024

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

“A. Direct the Respondents not to dispossess or obstruct or disturb the
Petitioners in carrying on his trade from his site i.e. Petty Trade from
Squatting/tehbazari at site, opposite Shop No. 30, Sarojini Nagar
Market, Sarojini Nagar, New Delhi-110023, of section 3(3) of the
street vendors (Protection of Livelihood and Regulation of Street
Vending) Act 2014 and;

B. Direct the Respondents/Town Vending Committee to consider the



representation dated 28.02.2024 of the Petitioner and conduct the survey of the Petitioner in place of his deceased father (Paltu Ram) within time bound manner and to issue certificate of vending in favour of the Petitioner as per the provisions of the Street Vendors (Protection of livelihood and regulation of Street Vending) Act 2014, The Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 and The Government of National Capital Territory of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme 2019.”

4. The petitioner claims that he is the son of late Sh. Paltu Ram who was carrying on vending activities in Sarojini Nagar Market, New Delhi. He states that he was also assisting his father in carrying on the vending activities, however, his father has since expired and, therefore, he submits that his name may be substituted in place of that of his father. The learned counsel appearing for the petitioner submits that the late father of the petitioner had filed a writ petition being W.P.(C) 858/2024 captioned ***Paltu Ram v. Government of NCT of Delhi & Ors.*** seeking similar reliefs. The said petition was disposed of by this Court by order dated 19.01.2024 noting that a survey is required to be held shortly and all persons claiming to be street vendors would be provided an opportunity to submit evidence in support of their claims that they are/were engaged in street vending. The Court had also noted the same would be irrespective of whether a street vendor has been found vending at the given site.

5. In so far as the prayer of late Sh. Paltu Ram that he may not be disturbed from carrying on his trade from the site, that is, in front of Shop No. 22, Near Gate No.1, Babu Market Chowk, Sarojini Nagar, New Delhi was concerned, the Court had noted that no such order can be passed as there are large number of street vendors who claim that they are/were



carrying on their trade in Sarojini Nagar Market and, the market cannot sustain such large number of persons. However, the Court had also noted that the survey had the vending plan framed thereafter will determine whether a particular street vendor could be permitted to carry on his trade at the sites located in Sarojini Nagar Market, New Delhi or in its vicinity.

6. It is material to note that there is a difference as to the description of the site from where the petitioner's deceased father was carrying on vending activities. In W.P.(C) 858/2024, late Sh. Paltu Ram had claimed that he was carrying on vending activities in front of Shop No. 22, Near Gate No.1, Babu Market Chowk, Sarojini Nagar, New Delhi. In the present petition, it is stated that the petitioner was assisting his father in carrying on his trade at a site opposite Shop No. 30, Sarojini Nagar Market, Sarojini Nagar, New Delhi-110023.

7. It is not necessary for this Court to examine this aspect in any detail. The question whether the petitioner was carrying on vending activities with his father, would be considered by the concerned Town Vending Committee (TVC) at the appropriate stage.

8. In the given facts, we consider it apposite to dispose of the present petition by permitting the petitioner to participate in the survey to be conducted by the TVC. The petitioner would also be at liberty to submit such documents and material before the TVC in support of its claim that he has been carrying on vending activities with his father. The petitioner has also filed a representation dated 28.02.2024, a copy of which is annexed to this petition. We direct that the TVC shall consider the said representation as well.



9. The petition is disposed of in the foregoing terms. Pending application also stand disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 02, 2024/r

Click here to check corrigendum, if any