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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6192/2024 & CM APPL. 25747/2024**

CHAND KISHOR SHARMA

..... Petitioner

Through: Mr. Abhishek Saxena, Mr. Singh
Nishant Sanjay Kumar, Mr. Vaibhav
Patel, Mr. Saurav Dewal, Mr.
Munish, Mr. Rahul Pratap Singh, Mr.
Rahul Marwah, Ms. Mumtaz Shaikh,
Ms. Kamini, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.. Respondents

Through: Mr. Umang Tyagi, Additional
Standing Counsel with Ms. Riya
Pahuja, Adv. for MCD.
Ms. Vaishali Gupta, Panel Counsel
(Civil) with Ms. Shailja Sinha and
Mr. Varun Garg, Adv. for R-2 and 3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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02.05.2024

CM APPL. 25748/2024(Exemption)

1. Exemption is allowed, subject to just exceptions.
2. The application stands disposed of.

W.P.(C) 6192/2024 & CM APPL. 25747/2024 (for stay)

3. The petitioner has filed the present petition, *inter alia*, praying that order be issued to the respondents to ensure that the petitioner is allowed to peacefully vend from his vending site in Green Park South Zone, Ward S – 69, New Delhi. The petitioner claims that he is engaged in repairing electronic items in motor vehicles and, therefore, it is not feasible for him to re-locate every 30 minutes. He submits that the Certificate of Vending



(COV) issued to the petitioner does not recognize him as a stationary vendor. In addition, the petitioner also prays that his articles seized by the officials of the MCD be returned. The petitioner has made a representation to the MCD to consider him as a stationary vendor.

4. Admittedly, no fixed place has been allocated to the petitioner for carrying on his vending activities and, therefore, the petitioner's prayer that he be permitted to vend from a fixed site, cannot be granted at this stage. The Town Vending Committee (TVC) is required to conduct a survey and the local authority is required to prepare a vending plan in consultation with the Second Town Vending Committee (TVC-II), which would include the representatives of the street vendors.

5. Having stated the above, it is apparent that the grievance of the petitioner, that it is not commercially feasible for him to carry on his vending activities as a mobile vendor, requires consideration by the concerned authorities.

6. In view of the above, we direct the concerned authorities (MCD and the TVC) to consider the petitioner's representation. We also note that the respondents are also in seisin of similar representations and it is stated that they are in the process of taking a policy decision in that regard. We accordingly direct that the petitioner's representation be also dealt with in the same manner.

7. In so far as the return of articles is concerned, the petitioner is at liberty to approach the MCD for return of the same. Mr. Umang Tyagi, the learned counsel appearing for the MCD submits that the articles will be returned to the petitioner after verification.

8. It is stated that a motor vehicle (car) parked near the petitioner's



vending site has also been removed and is now parked at the concerned Police Station (PS Vasant Kunj, New Delhi). The petitioner claims that the car was parked in order for him to carry on repairs.

9. Mr. Tyagi, submits that the car was parked at the site for a number of days and it was removed as complaints were received regarding an unidentified car being parked at the location. In this regard, we consider it apposite to direct that the vehicle be released by the concerned authorities to its owner after due verification.

10. We also direct that the petitioner would not be interdicted from carrying on his vending activities, subject to the petitioner doing so strictly in accordance with the terms and conditions of the COV which also includes the stipulation that the vendor would not carry-on vending activities from a fixed location for more than 30 minutes or such time as may be fixed by the TVC.

11. The petition is disposed of in the aforesaid terms. The pending application also stands disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 02, 2024/r

Click here to check corrigendum, if any