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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6193/2024 CM APPL. 25749/2024 CM APPL. 25750/2024

GURJEET SINGH

..... Petitioner

Through: Mr. U.M. Tripathi, Mr. Abhishek Saxena, Mr. Singh, Mr. Nishant Sanjay Kumar, Mr. Vaibhav Patel, Mr. Saurav Dewal, Mr. Munish, Mr. Rahul Pratap Singh, Ms. Mumtaz Shaikh, Ms. Kamini Singh, Ms. Utsa Srivastava, Advocates

versus

MUNICIPAL CORPORATION OF DELHI AND OTHERS

..... Respondents

Through: Mr. Umang Tyagi, ASC with Ms. Riya Pahuja, Advocate for R-1/MCD Mr. Anubhav Gupta, Panel Counsel (Civil) GNCTD with Ms Shailja Sinha and Mr. Amit Kumar, Advocates for R-2 & 3

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

03.05.2024

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

“A. Pass an Order directing the respondents to ensure that that the petitioner is allowed to peacefully vend in terms of his vending site i.e. Green Park South zone, Ward S-69, New Delhi, without any Let or hindrance being cause by any public official.

B. Pass an order directing the respondents, their officials, their agents etc. be restrained from harassing-dislocating-removing the petitioners from peacefully vending at his vending site.

C. Pass an order directing the SHO P.S. VASANT KUNJ to ensure that the petitioner street vendor shall not be forcefully and illegally be removed from his vending site.



D. Pass an order directing the respondent Government of NCT of Delhi to comply and effectuate the provision of section 20 of the STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATIONS OF STREET VENDING) ACT, 2014, and make the dispute redressal committee functional within the stipulated period of a time.

E. Pass an order directing the Respondent no. 1 and 4 to decide the representation made by the Petitioner within a stipulated period of time.

F. Pass an such order that no street vendor shall be evicted from his vending site till the formation of the vending zone.”

2. The petitioner claims to be street vendor and engaged in the activity of repairing electronic items. The petitioner claims that he was carrying on his vending activities on a site located in South Zone Ward S-69, Vasant Kunj, Car Market, New Delhi. The petitioner had also participated in a survey that was conducted in the year 2021 and was issued a receipt dated 13.03.2021. Thereafter, the vending certificate was issued to the petitioner on 06.11.2021. The said certificate indicates that the petitioner has been vending in South Zone Ward S-69. The petitioner was removed by the MCD on 19.03.2024 and his items which are described as “1 Counter, Key Fatta 100 to 150, Key” were allegedly seized.

3. The petitioner also prays that he be categorized as a *stationary vendor*. The petitioner has also made a representation to the aforesaid effect.

4. Admittedly, the petitioner has not been allocated any fixed site for carrying on his vending activities. Thus, in terms of the Certificate of Vending issued to the petitioner, the petitioner is required to refrain from carrying on his vending activities from a fixed place for more than 30 minutes or such time as may be fixed by the Town Vending Committee as stipulated in Clause 11 of the terms and conditions as applicable to the Certificate of Vending.

5. It is material to note that at this stage, the Certificates of Vending issued by the Town Vending Committee are stated to be interim certificates



and the final certificates will be issued by the Second Town Vending Committee that may be constituted and would include the representation of the street vendors.

6. In terms of Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the concerned authority is also required to prepare a vending plan in consultation with the Town Vending Committee.

7. In so far as the returns of goods is concerned, Mr Umang Tyagi, learned counsel appearing for the MCD submits that certain goods have been seized and he has instructions to state that the same would be released, on the petitioner approaching the concerned officer.

8. The MCD is bound down to the said statement.

9. We note that the several representations have been made by street vendors requesting that their category be changed. We are also informed that a policy decision in regard is under active consideration.

10. In view of the above, we also consider it apposite to direct the Town Vending Committee/MCD to consider the petitioner's representation within the reasonable period time.

11. The petition is disposed of in the aforesaid terms. The pending applications stand closed.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 03, 2024

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Click here to check corrigendum, if any