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

+ **W.P.(C) 8736/2021, CM APPL. 27218/2021 & CM APPL. 27219/2021**

KULDEEP SHANKLA

.....Petitioner

Through: **Mr. Hem C. Vashisht and Mr. Ayush Kaushik, Advs.**

versus

NDMC THROUGH ITS VICE CHAIRMAN & ORS.....Respondents

Through: **Mr. Rishikesh Kumar, ASC with Ms. Sheenu Priya, Mr. Atik Gill, Mr. Sudhir Kumar Shukla and Mr. Sudhir, Advocates for GNCTD.**

Mr. Sriharsha Peechara, Standing Counsel with Mr. Akshat Kulshreshtha, Mr. Shubham Mishra and Mr. D. Subrahmanya Bhanu, Advocates for NDMC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

27.08.2024

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

“i) A writ order or direction directing the Respondents to issue licence for vending rights at his vending site near shop No. 1, Sarojini Nagar, New Delhi market in the interest of justice.

ii) A writ of Mandamus or any other appropriate writ, order or direction, directing the Respondents to take appropriate action on the representations of the petitioner immediately



within two weeks.

iii) A writ order or direction directing the Respondents to pay a sum of Rs. 5,00,000/- towards the damages to petitioner for loss of livelihood.

iv) Cost of the petition is also awarded.”

2. The petitioner states that he is a street vendor and is carrying on vending activities from a site located near shop No.1, near Mandir, Sarojini Nagar, New Delhi since 18.09.1998.

3. The petitioner claims that he had made an application on 30.11.2007 for issuance of a licence for allotment of a *tehbazari* site under the Street Vendors scheme floated by the New Delhi Municipal Council (hereafter *NDMC*) and approved by the Supreme Court of India on 17.05.2007. In response to the aforesaid application, the Vending Committee had called upon the petitioner to furnish certain documents.

4. The petitioner claims that he is a *bona fide* street vendor and has been carrying on his vending activities for the past several years. The petitioner also relies on a letter dated 22.11.2011, issued by *NDMC* threatening to remove the petitioner from the subject area.

5. A survey was conducted and applications were invited from street vendors for allotment of certain *tehbazari* sites in the year 2012.

6. The *NDMC* found that 628 applicants were eligible for allotment of *tehbazari* sites. The petitioner's name features in the said list. Subsequently, *NDMC* also conducted a draw of lots for 386 spaces and released the list of successful applicants on 10.05.2012. However, the name of the petitioner does not feature in the said list.

7. In the year 2012, the petitioner filed a writ petition (being W.P.(C)



No. 7687/2012), which was disposed of by an order dated 11.12.2012. The Court clarified that the petitioner would also be entitled to the same relief as per the orders passed by Supreme Court on 12.10.2012.

8. On the strength of the aforesaid order, the petitioner claims that he is entitled to carry on his vending activities.

9. The present petition was heard on 13.08.2024. The respondent had disputed that the petitioner had been carrying on vending activities for the past several years and contended that when the survey was conducted in the year 2018, the petitioner was not found to be carrying on any vending activities in the NDMC area.

10. In the aforesaid context, the petitioner has sought time to produce *challans* issued by the NDMC from the year 2012.

11. The learned counsel appearing for the petitioner now states that he has filed certain *challans*, which are not on record. However, none of the *challans* relate back to a period after the year 2012.

12. In view of the above, we are not persuaded to accept that the petitioner has established that he has been carrying on his vending activities regularly since the year 2012.

13. The learned counsel for the respondents submits that the number of street vendors seeking to carry on vending activities in Sarojini Nagar Market or in the vicinity thereof far exceeds the capacity of the said market.

14. In view of the above, no orders can be passed directing the respondents to issue any *tehbazari* licence to the petitioner or to permit the petitioner to carry on vending from the fixed site in Sarojini Nagar Market.

15. This Court is informed that a survey is being undertaken by NDMC and we clarify that the petitioner would be entitled to participate in the said



survey and furnish all the documents to establish his credentials as a *bona fide* street vendor.

16. The petition is disposed of in the aforesaid terms.
17. All pending application/s are disposed of.

VIBHU BAKHRU, J

SACHIN DATTA, J

AUGUST 27, 2024/MR