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

+ **W.P.(C) 7133/2024**

MR. GIAN DEV GUPTA (SENIOR CITIZEN) Petitioner

Through: **Mr M. Hasibuddin, Mr Vikas Bharti,**
Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

& ANR.

..... Respondents

Through: **Ms Shilpa Ohri, ASC for MCD.**

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

28.05.2024

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CM APPL. 29741/2024

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

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3. The petitioner claims to be a street vendor and has filed the present petition, *inter alia*, praying that directions be issued to the respondents to not remove him from the squatting site near Jain Mandir, Sector-4, R.K. Puram, Opposite Munirka DDA Flat, New Delhi, till the formation of the Town Vending Committee.

4. The petitioner had, prior to filing the present petition, filed a writ petition [being *W.P.(C) 1046/2017* captioned *Rajeev Gupta and Anr. v. South Delhi Municipal Corporation and Anr.*] seeking somewhat similar reliefs. The said petition was disposed of by an order dated 06.02.2018, and did not grant the order as sought. However, the petitioner had sought



permission to approach the Town Vending Committee (TVC) as and when constituted with all supporting documents in support of his claim that he has been carrying on the vending activities.

5. In the aforesaid circumstances, this Court had directed that the TVC would consider the case of the petitioner in accordance with law and expeditiously after taking into consideration all materials placed on record.

6. The petitioner had since made a representation to the TVC, however, it is stated that the same is pending and has not been considered as yet.

7. Insofar as the petitioner's prayer that he would not be removed from the given site is concerned, the same cannot be acceded to. Admittedly, the petitioner has not been allocated any fixed site. It was further stated that the petitioner had also not been issued a Certificate of Vending (COV) as yet. It is also relevant to note that at this stage, even though the street vendors, who have been issued COVs, have not been permitted to vend at a fixed site. The COVs, which at this stage are interim COVs, expressly stipulate that the vendors would not carry on their vending activities from a fixed site for more than thirty minutes or such time as may be fixed by TVC. The question of allocating any fixed sites or spaces would arise only after the survey is completed and a vending plan is prepared with the consultation of the TVC. This Court is also informed that the petitioner has registered for a survey online.

8. In the circumstances, this Court considers it apposite to dispose of the present petition with the direction that the petitioner would be entitled to participate in the survey. He would also be entitled to produce all materials and evidence in support of his claim that he has been carrying on vending



activities. The TVC shall consider the same at an appropriate stage.

9. This Court also directs the TVC to consider the petitioner's representation, if not already considered, and communicate its decision as expeditiously as possible.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 28, 2024
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