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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 7233/2024 & CM No.30123/2024

KISHORI LAL

.....Petitioner

Through: Mr. Rajinder Kumar, Adv.

Versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondents

Through: Mr. P. Aditya & Mr. Jawahar Raja,
Advs. for R-1&4.

Mr. Sriharsha Peechara, Mr.
Raghuvendra Verma, Ms. H. Gupta,
Mr. Akshat Kulshrestha & Mr.
Shubham Mishra, Advs. for NDMC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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08.07.2024

1. Issue notice.
2. The learned counsels appearing for the respondents accept notice.
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. in and around India Gate Area, New Delhi-110001 in terms of section 3(3) of the street vendors (Protection of Livelihood and Regulation of Street Vending) Act 20 14 and;

B. Direct the Respondents/Town Vending Committee to conduct the survey of the Petitioner 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. It is the petitioner's case that he has been issued a licence for vending soft drinks and aeriated water on a hand cart by respondent no.2, New Delhi Municipal Council (hereafter *NDMC*). However, notwithstanding the same, he has been obstructed from carrying on his hawking activities in the area of Kartavya Path, India Gate, New Delhi from time to time. The petitioner has also annexed challans, removal challans and fine receipts from the year 2004 and till the month of July, 2023.

5. The petitioner contends that the respondents have been regularly obstructing him from carrying on his vending activities and therefore, seeks a direction to interdict the respondents from dispossessing and obstructing him from carrying on his vending activities.

6. Mr. Peechara, the learned counsel appearing for *NDMC* states that there is no dispute that the petitioner was granted a licence to carry on his hawking activities in the area of Kartavya Path. However, the petitioner is not entitled to carry on his vending activities from a fixed site. He submits that, *NDMC* would not take any steps for removing the petitioner, if he carries on his vending activities in terms of his licence.

7. The learned counsel appearing for the petitioner counters the suggestion that the petitioner is violating the terms of the licence in any manner. He states that the petitioner has been carrying out his vending activities on a hand cart and not from a fixed place and changes his location every thirty minutes.

8. In view of the above, we consider it apposite to direct the respondents to refrain from interdicting or obstructing the petitioner from carrying on his vending activities subject to the same being done strictly in accordance with



the terms of the licence.

9. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

SACHIN DATTA, J

JULY 08, 2024

‘gsr’

Click here to check corrigendum, if any