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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7361/2024**
MANOJ PASWAN

..... Petitioner
Through Mr.Anjani Kumar Mishra and
Mr.Kailash Kumar Jha, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

..... Respondents
Through Ms.Sakshi Popli, SC for MCD.
Mr.Mohd.Irsad, ASC, Ms.Nasreen,
Mr.Kunal Raj, Advocates for R3 &
R4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **02.07.2024**

1. The petitioner claims to be a street vendor and states that he carries on his vending activities from a site described as 'On the footpath, Khichripur Road, adjacent to Ambedkar Park Wall, Opposite Delhi Jal Board Sub-Office, Kalyanpuri, Shahdara South Zone, Ward-8E, New Delhi'.
2. Essentially, the petitioner is aggrieved by the action of the concerned officers of the respondents in directing the petitioner to move from the vending site every 30 minutes. The petitioner says he has been issued the Certificate of Vending (**COV**), which indicates that he is a Mobile Vendor and carries on activities as "Food/Snacks with gas cylinder/fire".
3. The terms and conditions of the COV expressly stipulate that a mobile street vendor cannot vend from a fixed site for more than 30 minutes or the



time as may be specified by the Town Vending Committee (TVC).

4. The petitioner claims that it is not feasible for him to relocate every 30 minutes and he ought not to be treated as a mobile vendor. The petitioner has also made a representation dated 17.05.2024 to the concerned authorities (Commissioner of the Municipal Corporation of Delhi; Commissioner of Police, as well as the Chairman, TVC-Shahdara South Zone).

5. Admittedly, no specific site has been allocated to the petitioner. Further, the petitioner is also not vending from a permanent or semi-permanent structure. In the circumstances, we are unable to accept that at the present stage, the petitioner is not required to be considered as a mobile vendor.

6. Having stated the above, this Court has dealt with similar situation in several other cases, and has highlighted the issues involved in relocating the mobile vendors every 30 minutes. This would also inevitably put pressure on the streets in addition to causing inconvenience to the vendors.

7. This Court has been informed the COV issued at the current stage is only an interim COV and the final COV will be issued after the Second TVC is constituted which will include a representative of the street vendors. It is also noted that the COV issued is not in conformity with Section 6(1) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. The said provision expressly provides that the COV has to be issued in three categories:-

- a. Stationary vendor;
- b. Mobile vendor; or
- c. Any other category as may be specified under the Scheme.

8. In the circumstances, we consider it apposite to dispose of the present



petition by directing the concerned TVC to consider the representation of the petitioner and take an informed decision. In the meanwhile, the respondents are directed not to obstruct/disturb the petitioner in carrying on his vending activities provided the same is done strictly in compliance with the terms and conditions of the COV.

9. The petition stands disposed of in the above terms.

VIBHU BAKHRU, J

SACHIN DATTA, J

JULY 02, 2024

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[Click here to check corrigendum, if any](#)