



\$~23

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7547/2024 and CM Nos.31429/2024 and 31430/2024**

HARIOM GUPTA

..... Petitioner

Through: Mr Abhishek Saxena, Mr Singh
Nishant Sanjay Kumar, Mr Vaibhav
Patel, Mr Rahul Marwah, Mr Munish,
Ms Mumtaz Shaikh and Ms Kamini,
Advocates.

versus

MUNICIPAL CORPORATION OF DELHI
AND OTHERS

..... Respondents

Through: Mr Umang Tyagi, ASC for R-
1/MCD with Ms Riya Pahuja,
Advocate.
Mr Mohit Bhardwaj, Advocate for R-
2 & 3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

24.05.2024

%

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. Shadara South zone, Ward 5E, 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. New Ashok



Nagar 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.
- G. Pass an such directions or order that this Hon'ble court deems fit and proper in the facts and circumstances of the abovementioned case.”

2. The petitioner claims that he has been carrying on vending activities from a site located at Shahdara South Zone, Ward 5E, New Delhi. The petitioner has also been issued a Certificate of Vending (COV) indicating that his vending area as Shahdara South Zone, Ward – 5E. The petitioner is, essentially, aggrieved on account of the conditions of the COV, which require him to not carry on vending activities from a fixed place for more than thirty minutes or such time as may be fixed by the Town Vending Committee (TVC). The petitioner claims that he is required to be treated as a “stationary vendor” and not as a “mobile vendor”. The petitioner has also filed a representation dated 30.04.2024 to the Town Vending Committee in this regard.



3. It is contended by learned counsel for the respondents that at the present stage, the petitioner cannot be treated as a “stationary vendor” as no specific site has been allocated to him. She states that after the survey is complete, the second Town Vending Committee (TVC-II) would be constituted and the Municipal Corporation of Delhi would prepare a vending plan in consultation with TVC-II. At that stage, the question of allocating a fixed place may be considered.

4. The learned counsel for the petitioner submits that the representation be kept pending and be considered at an appropriate stage. The learned counsel for the respondents has no objection to the same. In view of the above, we dispose of the petition by directing that the petitioner shall not be interdicted or interfered with in carrying on its vending activities subject to the petitioner complying with the terms and conditions of the COV. The representation dated 30.04.2024 made by the petitioner [which is annexed as Annexure P2] shall be considered by the concerned TVC at an appropriate stage.

5. The petition is disposed of in the aforesaid terms. All pending applications also stand disposed of.

VIBHU BAKHRU, J

DHARMESH SHARMA, J

MAY 24, 2024
RK