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

+ **W.P.(C) 7548/2024**

MD IRFAN ANSARI AND OTHERS Petitioners

Through: Ms Kawalpreet and Mr Umesh
Kumar, Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI
AND OTHERS**

..... Respondents

Through: Ms Shweta Priya, Advocate for MCD.
Mr Divyam Nandrajog, Panel
Counsel for GNCTD with Mr Jatin
Dua, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

24.05.2024

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1. The petitioners, who are claimed to be street vendors, have filed the present petition, *inter alia*, praying as under:

- “(a) To Pass an Order, direction to stay the removal/eviction of vendors at Kohlapur Road, Kamla Nagar, until demarcation of vending/no vending zone is done in accordance with the provision of Act.
- (b) Issue a writ, order, and direction to allow the vendors to continue vending at Kohlapur Road, Kamla Nagar market in accordance with the law.
- (c) Issue a writ, order, and direction to the Town Vending Committee to conduct an immediate meeting on the ongoing evictions in Kohlapur Road, Kamla Nagar market in accordance with the procedures provided in the scheme.
- (d) Issue a writ, order, and direction to the respondent Municipal Corporation of Delhi to amend the COV of



the Petitioners in accordance with section 6 of the Street Vendors Act and chapter 6 of the scheme.”

2. The learned counsel appearing for the petitioners has articulated two issues. First, she submits that there are no specific areas that have been demarcated as a ‘no vending zone’ in Kamla Nagar and therefore, the petitioners have been effectively ousted from carrying on their vending activities from the said area. Second, she submits that the Certificates of Vending (COVs) issued to the petitioners are not in accordance with Section 6 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter *the Act*) as well as Chapter - 6 of the Government of National Capital Territory of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019.

3. Insofar as the grievance regarding non-demarcation of no vending zone is concerned, the respondents have handed over a list of the areas in Kamla Nagar and the Civil Lines Zone, which have been declared as squatting areas. All areas other than those would necessarily have to be considered as no vending/no squatting zones. The said squatting areas were declared as squatting zones prior to the enactment of the Act. Thus, as an interim measure, the zones indicated as no squatting zones would continue to be implemented till a vending plan is prepared in accordance with Section 21 of the Act¹. A copy of the list of the squatting zones has also been handed over to the learned counsel for the petitioners.

4. Insofar as the grievance regarding COVs is concerned, the same is merited. The COVs do not classify the vendors in accordance with Section

¹ Vyapari Kalyan Mandal Main Pushpa v. South Delhi Municipal Corporation: 2017 SCC OnLine Del 8962



6(1) of the Act. According to the respondents, the COVs issued are temporary certificates of Vending and the final certificates of vending – which would clearly reflect the category of the street vendors – would be issued by the Second Town Vending Committee.

5. This Court is informed that currently the survey is being undertaken and all street vendors including the petitioners would be entitled to participate in the same.

6. In view of the aforesaid explanation, no orders are required to be pass in this regard.

7. Accordingly, we dispose of the present petition by directing that subject to the petitioners carrying on their vending activities strictly in accordance with the terms and conditions of the COVs in squatting areas as specified in the list as provided by the respondents, the respondents will not interfere with the same.

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

VIBHU BAKHRU, J

DHARMESH SHARMA, J

MAY 24, 2024
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