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

+ **W.P.(C) 12046/2021 CM APPL. 37459/2021**

RAM BAKS AND ORS.

..... Petitioners

Through: Mr. Shahid Ali, Mr. Sameer Tayyeb
and Mohd. Shakir, Advs.

Versus

STATE NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Satyakam, ASC with Mr. Pradyut
Kashyap, Adv. for R-1.
SI Rahul Kumar, PS New Friends
Colony.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

03.04.2024

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1. The petitioners have filed the present petition *inter alia* praying as under:

“(a) To issue a Writ of Mandamus or any other Kind of appropriate Writ, order or Directions thereby commanding and directing the respondents not to prohibit or restrain the petitioners from returning to their vending sites and from resuming their vending activities in the same manner as they have been carrying on since inception and further from removing or disposing the Petitioners from their Vending Sites situated in front of Taimoor Nagar Naala which is situated in front of Taimoor Nagar Nala on the side of the main Taimoor Nagar-Maharani Bagh main road around 80-120 feet away from the main road.”

2. The petitioners have been issued Certificate of Vending (**COV**) which indicates that they are vending in “Central Zone, Ward S-101”. Admittedly, the petitioners do not have Tehbazari licenses for vending from a fixed site. Thus, in accordance with the terms and conditions of the COV, the



petitioners are proscribed from vending at a particular place for more than 30 minutes or any such time as may be determined by the Town Vending Committee (TVC).

3. The petitioners have sought a direction that they be not removed from their vending site described as located “in front of Taimoor Nagar Naala on the side of the main Taimoor Nagar-Maharani Bagh main road around 80-120 feet away from the main road”.

4. We are not persuaded to accept the same.

5. Admittedly, no specific site has been allotted to the petitioners. The TVC is required to conduct a survey and MCD is required to prepare a vending plan in terms of Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 in consultation with the second TVC. The respondents state that the question of allocating a fixed site would be considered by the second TVC. Thus, till a decision is taken by the second TVC, the petitioners cannot claim any right to carry on their vending activities from a particular fixed site. Thus, at present, they are being considered as “*Mobile Vendor*”.

6. The learned counsel appearing for the respondents submit that they would have no objection if the petitioners carry on their vending activities, subject to the same being strictly in accordance with the COV and in compliance with other applicable laws. The learned counsel for the petitioner prays that an order be passed to the aforesaid effect.

7. In view of the above, we dispose of the present petition by directing the respondents not to interdict or interfere with the petitioners’ vending activities, subject to the petitioners complying with the terms and conditions of the COV as well as other applicable laws.



8. The petition is disposed of in the aforesaid terms. Pending application also stands disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

APRIL 03, 2024/r

Click here to check corrigendum, if any