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

+ **W.P.(C) 8007/2024 CM APPL. 32965/2024**

ANIS AHMED

..... Petitioner

Through: Mr. Ram Narayan Singh, Adv.

Versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Mohd. Irsad, ASC with Ms. Nasreen M. Raj, Mr. Shailesh Chauhan, Advs. for R-1&4.
Mr. Raghvinder Varma, SC with Ms. Shilpa Ohri, ASC for NDMC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

29.05.2024

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1. Issue notice.
2. The learned counsel appearing for respondent no.2/New Delhi Municipal Council (NDMC) accepts notice.
3. The petitioner has filed the present petition, *inter alia*, praying that he not be disturbed from carrying on his vending activities from the site adjacent to Shop No. 36, Sarojini Nagar Market, New Delhi. The petitioner's name was found mentioned in the list of 628 eligible street vendors prepared in the year 2012. The said list was prepared at the material time for allocating the available spaces (386 squatting sites) to street vendors. It is also not disputed that the petitioner was carrying on vending activities at the material time. The petitioner has also produced various challans to establish that he has been carrying on his vending activities from



Sarojini Nagar Market, New Delhi.

4. The learned counsel appearing for respondent no.2/NDMC submits that although the petitioner was carrying on vending activities in the year 2012 but was not found vending at the time of the survey conducted in the year 2018. We are unable to accept that the petitioner has ceased his vending activities merely because the petitioner was not found vending on the date of the survey conducted in the year 2018. The challans produced on record by the petitioner also indicate that he has been carrying on his vending activities. Since the name of the petitioner was mentioned in the list of 628 eligible street vendors prepared in the year 2012, we accept the petitioner's contention that he has been carrying on his vending activities when the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 came into force.

5. It is also relevant to note that NDMC, as an interim measure, in a similar case [being W.P.(C) No.4792/2024] decided on 26.04.2024, permitted a street vendor, similarly situated as the petitioner, from carrying on his vending activities.

6. In view of the above, the present petition is disposed of by directing that the petitioner not be interdicted from carrying on his vending activities at site adjacent to Shop No. 36, Sarojini Nagar Market, New Delhi (open to sky, ad-measuring 6ft. x 4ft.), subject to the petitioner carrying on vending activities in accordance with law.

7. We clarify that this arrangement would continue only till the survey is conducted and a vending plan is prepared.

8. Pending application(s) is also disposed of.



9. A copy of the order be given *dasti* under the signature of the Court Master to both parties.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 29, 2024/SA

Click here to check corrigendum, if any