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

+ **W.P.(C) 8113/2024 and CM APPL. 33351/2024**

VEERWATI

..... Petitioner

Through: Mr Ramesh Kumar Mishra, Mr
Shivam Tiwary and Mr Kumar
Abhinandan, Advocates.

Versus

MUNICIPAL CORPORATION OF DELHI & ORS..... Respondents

Through: Mr Manoj Kumar Sharma, ASC for
MCD.
Mr Divyam Nandgrajog, Panel
Counsel for GNCTD/R-3 with Mr
Jatin Dua, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

31.05.2024

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1. The petitioner has filed the present petition, *inter alia*, praying that the respondents be directed to allocate a *tehbazari* site to the petitioner in accordance with the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter *the Act*). The petitioner also prays that directions be issued to the Municipal Corporation of Delhi (*MCD*) to consider her representation regarding mutation of a *tehbazari* site (*tehbazari* site no.286).

2. The petitioner claims to be a street vendor who had purchased a *tehbazari* site admeasuring 4 feet x 6 feet Prem Nagar Nala, Subzi Mandi, New Delhi - 110003 (hereafter *Tehbazari Site*) from one Smt. Basanti Devi wife of Sh. Kishan. The petitioner claims that she continued to carry on her



vending activities from the *Tehbazari* site during the years 2003 to 2009. She claims that she was removed from the *Tehbazari* site in the wake of Commonwealth Games, 2010, and thereafter not provided any alternate site, despite her continuously paying the requisite *Tehbazari* fees. In the given circumstances, the petitioner claims that an alternate site be allotted to her and the *Tehbazari* site be mutated in her name.

3. Prior to filing the present petition, the petitioner had, along with certain other street vendors, also preferred a writ petition [*W.P.(C) 1722/2017* captioned *Deepak and Ors. v. South Delhi Municipal Corporation*]. The said petition was disposed of by an order dated 27.02.2017 with the following directions:

- “(i) The cases of the petitioners would be considered by the Town Vending Committee at the appropriate stage.
- (ii) Merely because the petitioners are not found vending when the survey is conducted, would not be a ground alone to reject their case, in case the vendors produce supporting documents.”

4. The petitioner states that she has made several representations to the officials of the respondent no.1/MCD for mutation of the *Tehbazari* site to her name, however, the said representations have not been considered yet.

5. The petitioner’s prayer that an alternate site be provided to the petitioner cannot be acceded to at this stage. Currently, a survey is being conducted under the Act. This Court is informed that after the survey is completed, a Second Town Vending Committee (TVC-II) would be constituted, which would consider the representations of the street vendors



for allotment of fixed sites. In terms of Section 21 of the Act, the local authority (MCD) is required to prepare a vending plan in consultation with TVC-II. It is submitted that the question of allocating any fixed site under the Act can only be considered at the said stage.

6. We note that this Court has already issued a direction (in the earlier writ petition being W.P.(C) 1722/2017) that the petitioner's request be considered by the Town Vending Committee at an appropriate stage. Since TVC-II has not been constituted as yet, the stage has not yet arrived for considering the petitioner's request.

7. The question of mutation of a site in favour of the petitioner cannot be acceded to. Concededly, the petitioner was removed from the *tehbazari* site in the year 2009. It is more than fifteen years since her removal. In these circumstances, we cannot accede to the said prayer. However, we clarify that the petitioner's claim for allotment of an alternate site or the same site (*tehbazari* site) would be considered by the concerned TVC (TVC-II) at an appropriate stage.

8. As noted above, the petitioner has already made a representation in this regard.

9. The petitioner has been granted a Certificate of Vending, the terms of which expressly prohibit the petitioner from carrying on her vending activities from a fixed place for more than thirty minutes or such time as may be fixed by the TVC. We direct that subject to the petitioner carrying on her vending activities strictly in terms of the COV, the respondents will not interfere with her carrying on the vending activities.



10. The petition is disposed of with the aforesaid clarification. The pending application is also disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 31, 2024
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