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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 12581/2021 CM APPL. 39603/2021

ASHOK KUMAR YADAV

..... Petitioner

Through: Mr. Michael Peter, Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC)

& ORS.

..... Respondents

Through: Ms. Devika Mohan, Adv. for NDMC.
Mr. Rishikesh Kumar, ASC with Ms.
Sheenu Priya, Mr. Atik Gill and Mr.
Sudhir Kumar Shukla, Advs. for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

01.05.2024

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1. The petitioner has filed the present petition, *inter alia*, praying as under:

“(a) Protect the petitioner from eviction by the respondents from his site of squatting/ vending as per the mandate of The Street Vendors (Protection of Livelihood And Regulation of Street Vending) Act, 2014 and because his survey has been completed;

(b) Direct respondents to implement and comply with Rules, Schemes and subordinate legislation as mandated by The Street Vendors (Protection of Livelihood And Regulation of Street Vending) Act, 2014;

(c) Direct the respondents not to dispossess or evict or disturb the petitioner from his site of vending i.e. Infront of Shop No.118, Sarojini Nagar Market, Vegetable Market, Backside Hanuman Mandir, Sarojini Nagar, New Delhi-110023, till the certificate or license is granted to the petitioner as per The Street Vendors (Protection of Livelihood And Regulation of Street Vending) Act, 2014 or the Rules framed there under since his survey has been completed;

(d) Uphold the survey conducted by the TVC as legal since dissolution of the TVC was done after the survey was completed and during the survey period the TVC was legal and valid;”



2. The petitioner claims that he was selling permissible goods from a vending site described as ‘Infront of Shop No.118, Sarojini Nagar Market, Vegetable Market, Backside Hanuman Mandir, Sarojini Nagar, New Delhi-110023’.

3. The NDMC has filed a counter-affidavit stating that the petitioner is an unauthorised vendor and is not permitted to vend at the site. It is further stated that the petitioner’s name does not feature in the list of 628 unauthorised vendors, who were operating at the relevant time and are covered by protective orders passed by this Court.

4. The learned counsel for the respondents submits that there are a large number of street vendors, who claim that they are entitled to vend from sites located in Sarojini Nagar. However, the capacity of the market is insufficient to support such a large number of vendors.

5. This Court is informed that a survey is being conducted. In this view, we dispose of this petition by directing that the petitioner would also have a right to participate in the survey and furnish all the documents or material to establish that he has been carrying on vending activities. It is stated that the Town Vending Committee (TVC) shall consider the material and documents as furnished by the petitioner for taking an informed decision.

6. The petition is disposed of in the aforesaid terms. All pending application(s) stand disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 01, 2024/SA

Click here to check corrigendum, if any