



\$~31

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

+ **W.P.(C) 8518/2024**

MAHESH KUMAR Petitioner

Through: Appearance not given.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

..... Respondents

Through: Ms. Tajinder Viridi, Standing Counsel
for MCD.

Ms. Sweety Singh, Advocate for
GNCTD.

Ms. Sweety Singh, Advocate for R-3
to 5.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

31.05.2024

%

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

"I. Pass an order directing the respondents to allow the petitioner street vendor to peacefully vend at his vending site i.e., On the footpath, Rajiv Gandhi Marg, Opposite Gurudwara, Central Market, Kalyanpuri, Shahdara South Zone, Ward-8E, New Delhi without any let or hindrance being caused by any public official.

II. Pass an order directing the respondents, their officials, their agents etc. be restrained from harassing the petitioners from peacefully vending at their vending sites.

III. Pass an order directing the SHO, PS Kalyan Puri to ensure that the petitioner street vendor shall not be forcefully removed from his vending site.



IV. Pass an order directing the respondent to correct the nomenclature in the column for type of vendor from Food/Snack with gas cylinder/fire to Stationary Street vendor as detailed in the vending certificate issued to the petitioner.

V. Pass an order for quashing and setting aside the terms of certificate of vending printed at the back side of the vending certificate to the extent which is not applicable to a stationery street vendor.

VI. Pass any such directions or order that this Hon'ble Court deems fit and proper in the facts and circumstances of the above-mentioned case."

2. The petitioner claims that he has been carrying on vending food items from a site termed as, on the footpath, Rajiv Gandhi Marg, Opposite Gurudwara, Central Market, Kalyanpuri, Shahdara South Zone, Ward-8E, New Delhi. The petitioner has been issued a Certificate of Vending (COV) indicating that this vending area as Shahdara South Zone, Ward – 8E. The petitioner is essentially aggrieved on account of the conditions of the COV which require him not to carry on vending activities at a particular site for more than thirty minutes or such time as may be fixed by the TVC. The petitioner claims that he is required to be treated as “stationary vendor” and not as a “mobile vendor”. The petitioner has also filed a representation dated 29.05.2024 to the Town Vending Committee in this regard.

3. It is contended by learned counsel for the respondent that at this present stage, the petitioner cannot be treated as a “stationary vendor” as no specific site has been allocated to him. She states that after the survey is complete, the second Town Vending Committee (TVC-II) would be constituted and the Municipal Corporation of Delhi would prepare a vending plan in consultation with TVC-II. At that stage, the question of permitting vending at a fixed place may be considered.



4. In view of the above, the learned counsel for the petitioner submits that the representation be kept pending and be considered at an appropriate stage. The learned counsel for the respondents has no objection to the same.
5. In view of the above, we dispose of the petition by directing that the petitioner shall not be interdicted or interfered with in carrying on its vending activities subject to the petitioner complying with the terms and conditions of the COV. The representation dated 29.05.2024 made by the petitioner [which is annexed at Annexure P-4] shall be considered by the concerned TVC at an appropriate stage.
6. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 31, 2024

pa

Click here to check corrigendum, if any