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

+ W.P.(C) 13089/2021 & CM Nos.62418/2023 & 67521/2023

MD. AZAD AND ORS.Petitioners

Through: Mr. Dibyanshu Pandey, Ms. Radhe
Shyam Sharma & Mr. Vinayak
Sameer, Advs.

Versus

NEW DELHI MUNICIPAL COUNCIL AND ORS.....Respondents

Through: Mr. Yoginder Handoo & Mr. Ashwin
Kataria, Advs.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

20.02.2025

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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 appropriate writ or direction or order directing the respondents for including their names in the list of 628 as well as to treat the petitioners at par with the persons named in list of 628;”

2. It is the petitioners’ case that 628 persons, who were found eligible for allotment of *tehbazari* spaces in the year 2012, have been accorded certain protection by various courts and the petitioners be also treated at par with those persons.

3. It is material to note that the list of 628 street vendors, who at the material time found eligible for allotment of 386 *tehbazari* spaces, was prepared in the year 2012. It was thus proposed that the said *tehbazari* spaces be allocated on the basis of draw of lots. However, that process was abandoned.

4. The said list is now to be used for the purpose of ascertaining whether



the said street vendors were carrying on their vending activities as on 01.05.2014 being the date on which the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 [hereafter the *Act*] came into force. Section 3(3) of the said Act stipulates that no street vendor shall be evicted or relocated till the survey specified under Section 3(1) of the Act is completed and a certificate of vending is issued to the said vendor. Thus, the street vendors, whose names have been mentioned in the list of 628 street vendors, who were otherwise able to establish that they are carrying on their vending activities, have been granted certain protection as stipulated under Section 3(3) of the Act.

5. At this stage, there is no question of including any other persons in the list of 628 street vendors after a lapse of twelve years. Accordingly, we find no merit in the present petition. However, we clarify that in the event the petitioners are able to establish that they were carrying on their vending activities as on the date when the Act came into force and are otherwise able to establish that they are the *bonafide* vendors and carrying on their vending activities since then, the protection as available subject to other considerations would also necessarily have to be granted to the petitioners.

6. The petition is disposed of in the aforesaid terms. The pending applications are also disposed of.

VIBHU BAKHRU, J

TEJAS KARIA, J

FEBRUARY 20, 2025

‘gsr’

[Click here to check corrigendum, if any](#)