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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13712/2021 and CM Nos.43316/2021 and 30336/2024**

MUKESH SHARMA AND ANR.Petitioners
Through: Mr N.K. Sahoo, Advocate.

versus

NEW-DELHI MUNICIPAL COUNCIL AND ANR.Respondent
Through: Mr Sriharsha Peechara, Standing
Counsel with Mr Akshat
Kulshreshtha and Mr D.S. Bhanu,
Advocates.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE SACHIN DATTA

ORDER
09.09.2024

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1. The petitioners have filed the present petition, *inter alia*, praying as under:

- “(a) To admit the Writ Petition against respondents;
- (b) To issue a writ of mandamus or any appropriate writ or direction or order directing the respondent to maintain status quo ante as on 11.10.2021 and to permit the petitioners to return to their places of squatting at Verendha of Regal Cinema, Connaught Place New Delhi-1 for carrying on their trade in term of orders dated 10.11.2021 passed in Writ Petition No 12605/2021 and order dated 11.11.2021 in 12643/2021 till temporary allotment.”

2. Petitioner no.1 claims that he is a street vendor and was carrying on his vending activities at the site described as *veranda* of Regal Cinema, Connaught Place since the year 1988. Petitioner no.1 also claims that he



suffers from disability to the extent of 41%. However, the disability certificate has not been annexed with the present petition.

3. Petitioner no.2 claims to be a widow and sole surviving heir of Late Sh. Shiv Charan. She states that her deceased husband was also a street vendor and used to vend goods from the *veranda* of Regal Cinema since the year 2001. He expired on 22.04.2018 and petitioner no.2 acquired rights to carry on vending activities from the given site (*veranda* of Regal Cinema, Cannaught Place) as the sole heir of her deceased husband.

4. The area of Indira Chowk and Rajiv Chowk has been declared a no-vending and no-hawking zone and therefore, the relief sought by the petitioners – which in effect is to permit them to vend at the given site – cannot be acceded to. The name of petitioner no.1 and the deceased husband of petitioner no.2 finds mention in the list of 628 (six hundred and twenty eight) street vendors that were found eligible to participate in the allotment of *Tehbazari* license in the year 2012. Thus, it is necessary to presume that the petitioners were carrying on their vending activities within the jurisdiction of NDMC as on 01.05.2014 when the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 came into force. However, that does not entitle the said persons to carry on vending in a no-hawking and no-vending zone. The petitioners have also not produced any material on record to establish that they have been carrying on their vending activities since the year 2014. However, if it is established that the petitioners have been carrying on vending activities since the year 2014, they would be entitled to carry on their street vending activities till a vending plan is prepared under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.



5. In view of the above, we dispose of the present petition by permitting the petitioners to make an application for alternate sites to NDMC. In the event, the petitioners produce sufficient material to establish that they have continued to carry on vending activities from the year 2014 till their removal, NDMC shall consider their request for being allocated another area on a temporary basis for carrying on their vending activities in accordance with law.

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

VIBHU BAKHRU, J

SACHIN DATTA, J

SEPTEMBER 09, 2024
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Click here to check corrigendum, if any