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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 12695/2023

DURGESH

..... Petitioner

Through: Mr. Bharat Aggarwal, Ms. Namrata
Sharma & Mr. Himanshu Aggarwal,
Adv.

Versus

NEW DELHI MUNICIPAL COUNCIL & ANR. Respondents

Through: Mr. Sri Harsha Peechara, Ms.
Harshita Gupta, Mr. Akshat
Kulshreshtha & Mr. Shubham
Kumar Mishra, Adv. for R-1.
Mr. Anubhav Gupta, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

15.02.2024

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

- “a) Direct the Respondent No.1/TVC to not to dispossess or obstruct or disturb the petitioner in carrying on his trade from site i.e. Near Gate no.5, Sarojini Nagar Market in terms of section 3(3) of the street vendors (protection of livelihood and regulation of street vending) act 2014 and;
- b) Direct the Respondent no.1/TVC to conduct the survey of the petitioner within time bound manner and issue certificate of vending in favour of the petitioner.
- c) Direct the Respondent No.1/TVC to determine the petitioner's representation dated 21/07/2023 in accordance with law.”



2. The petitioner claims that he was selling permissible goods from a vending site described as “near Gate no.5, Sarojini Nagar Market”. He alleges that the officials of the New Delhi Municipal Council (**NDMC**) have on a number of occasions removed him from the site and thrown away his goods. He states that his goods have also been confiscated from time to time.

3. According to the NDMC, the petitioner is not permitted to vend at the said site. It is 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. Learned counsel for the respondents submit 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 also has the right to participate in the survey and furnish all 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. We also direct that the concerned TVC shall consider the petitioner’s representation dated 21.07.2023, a copy of which is annexed to this petition.



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

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

FEBRUARY 15, 2024

‘gsr’

Click here to check corrigendum, if any