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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9217/2024 CM APPL. 37762/2024 CM APPL. 37763/2024**
NAND KISHORPetitioner

Through: Mr. Bharat Aggarwal, Mr. Kanhaiya
and Mr. Rahul Kumar, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR.Respondents

Through: Mr. Sriharsha Peechara, SC alongwith
Ms. Devika Mohan, ASC, Ms.
Harshita Gupta and Mr. Shubham
Mishra, Adva.

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

ORDER
09.07.2024

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1. The petitioner is a street vendor and has filed the present petition *inter alia* praying that directions be issued to the respondent no.2 to allocate any vending site to the petitioner.
2. The petitioner claims that he has been carrying on vending activities at the site described as 'In the area near Gate No.4, Palika Bazar, Delhi'. Petitioner claims that he has been carrying on his vending activities from the said site since 2004. The petitioner's name is also mentioned in the list of 628 vendors who were considered eligible for allotment of spaces in the NDMC area in the year 2012 for the purpose of carrying out vending activities.
3. The area of Rajiv Chowk and Indira Chowk have been declared as



no-hawking/no-vending zone as per the scheme prepared in the year 2007 and thus the petitioner has been unable to carry on vending activities in the said area.

4. The petitioner has produced challans to substantiate his claim that he was carrying on vending activities at the given site. However, it is noticed that the last challan as annexed with the petition was issued in the year 2016.

5. Mr. Peechara, learned counsel appearing on behalf of NDMC/respondent no.1 submits that the petitioner has not been vending at the site in question since at least 8 years, and there is no evidence or material on record to substantiate the petitioner's claim of carrying on vending activities from the said site near Palika Bazar during this period.

6. Learned counsel appearing on behalf of the petitioner submits that the petitioner's livelihood depends on carrying on vending activities. It is thus essential that the respondents indicate some alternate area from where the petitioner can carry on his vending activities.

7. We find merit in the respondent's contention that there is no material on record to indicate that the petitioner has been carrying on vending activities at the site referred to in the petition since the past 8 years. However, in view of the challan supplied by the petitioner, it is also clear that the petitioner was carrying on vending activities near Palika Bazar at least till the year 2016.

8. In the given circumstances, we consider it apposite to permit the petitioner to file an application with the concerned authorities for seeking allotment of any area from where he can carry on his vending activities in accordance with the given norms [Open To Sky 6X4 feet].

9. If any such application is filed within a period of 2 weeks from date,



we request the concerned authorities to consider the same within a period of 4 weeks thereafter.

10. The present petition is disposed of in the aforesaid terms.

11. It is needless to state that any such allocation would be purely on temporary basis till the vending plan is being prepared in accordance with Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

VIBHU BAKHRU, J

SACHIN DATTA, J

JULY 9, 2024/AT