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

+ W.P.(C) 9368/2024

VED RAM

.....Petitioner

Through: Mr. Aditya, Mr. Anjani Kumar Mishra,
Mr. Dipak Raj, Mr. Kailash Kumar Jha
& Ms. Garima Kumar, Advs.

Versus

MUNICIPAL CORPORATION OF DELHI AND ORS.....Respondents

Through: Mr. Aditya Kumar Choudhary, Mr.
Sanndeeep Pandey & Mr. Gurmehar
Vaan Singh, Advs. for R-1.

Mr. Mohd. Irshad, Ms. Nasreen, Mr.
Kunal Raj & Mr. Sailesh Chauhan,
Advs. for R-3,4&5.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

11.07.2024

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1. The petitioner is a street vendor and has filed the above-captioned petition, *inter alia*, praying that he be not disturbed in carrying on his vending activities from the site described as 'On the footpath, Mahatma Gandhi Road, Opposite IIPA Building, IP Estate, ITO, Central Zone, Ward-S-55, New Delhi'.

2. The petitioner is, essentially, aggrieved on account of not being permitted to vend at the abovementioned site. And, being called upon by the concerned respondents to re-locate from the said vending site every thirty minutes. The said stipulation is contained in Clause 11 of the Terms and Conditions of the Certificate of Vending (COV) as applicable to a Mobile Vendor.

3. One of the issues raised in the present petition is the insistence of the respondents that the petitioner has to move every thirty minutes. The COV



granted to the petitioner indicates that he is vending 'Food/Snack with gas cylinder/fire'. It is submitted that it may not be feasible for such street vendors to move every 30 minutes.

4. The petitioner has also sought a direction that he be not removed from his vending site and that he be declared as a "Stationary Street Vendor".

5. We are not persuaded to accept the same.

6. Admittedly, no specific site was allotted to the petitioner. The petitioner is also not vending from a permanent or semi-permanent structure. Thus, till any other decision is taken by the Town Vending Committee (TVC) and a Vending Plan is prepared, the petitioner is required to be considered as a Mobile Vendor.

7. Having stated the above, we are of the view that the petitioner has highlighted a serious issue that requires consideration by the concerned authorities. Directing street vendors to move or relocate would inevitably put higher pressure on the streets, in addition to causing substantial amount of inconvenience to the vendors.

8. Section 6(1) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 (hereafter *the Act*) expressly provides that the COV can be issued under three categories:

- a. Stationary vendor;
- b. Mobile vendor; or
- c. Any other category as may be specified under the Scheme.

9. Undisputedly, the COV is required to be issued in terms of the Act and thus, must clearly classify the category of the street vendor.

10. It is also noted that the petitioner is engaged in vending 'Food/Snacks with gas cylinders/fire' and plainly, it would be difficult for such street vendors to move every thirty minutes.



11. As noted above, the petitioner has already filed its representation with the Municipal Corporation of Delhi and the TVC. It would be necessary for the TVC to take an appropriate decision in this regard till the survey is completed and a vending plan is put in place.

12. We also direct that the respondents shall not obstruct or disturb the petitioner from carrying on his vending activities provided, the same are carried on in accordance with the Terms and Conditions of the COV.

13. Accordingly, we dispose of the present petition by directing the concerned TVC to consider the representation moved by the petitioner and take an informed decision. Needless to state, the denial of relief sought for by the petitioner by this Court would not preclude the TVC from considering the same.

14. The petition stands disposed of in the aforesaid terms.

VIBHU BAKHRU, J

SACHIN DATTA, J

JULY 11, 2024

‘gsr’

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