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

+ W.P.(C) 9390/2024

MAHENDRA SHARMA

.....Petitioner

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

Versus

MUNICIPAL CORPORATION OF DELHI & ORS.....Respondents

Through: Mr. Aditya Chandra & Mr. Utkarsh
Bahnu, Advs. for R-1&2.
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

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11.07.2024

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 has been issued Certificate of Vending (COV) by the Municipal Corporation of Delhi. He seeks a direction that the nomenclature of the category allotted to him in his COV be corrected to reflect him as "Stationary Vendor".
3. 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 his vending location every thirty minutes. The said stipulation is contained in Clause 11 of the Terms and Conditions of the COV as applicable to a Mobile Vendor.



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 a 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 every thirty minutes would inevitably put higher pressure on the streets, in addition to causing some 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 a 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 vendors.
10. It is also noted that the petitioner is engaged in vending that falls in the category of “Others”.
11. As noted above, the petitioner has already filed representations with 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. In the meanwhile, we 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 representations moved by the petitioner and take an informed decision. Needless to state, the denial of relief as sought for in this petition 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](#)