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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10074/2024 CM APPL. 41232-41233/2024**
RAJ MANGAL CHAUHAN & ORS.

.....Petitioners

Through: Mr.Brajesh Pandey, Mr.Kanchan
Kumar Jha, and Mr.Manish Vickkey,
Advocates

versus

GOVT.OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr Anubhav Gutpa, PC and Mr.Ankit
Choudhary and Mr.Anuj Singh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

23.07.2024

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1. Issue notice. The learned counsel for the respondents accept notice.
2. The petitioners are the street vendors and claim that they are carrying on their vending activities at the site located at Budh Vihar, Monastery Market, Kashmiri Gate, City SP Zone, Ward No.83, Delhi (hereafter *the given site*). The petitioners have been issued their Certificates of Vending (COVs).
3. The petitioners are essentially aggrieved by the condition no.11 of the COV which proscribe a mobile vendor from carrying on hawking / vending activities from a fixed place for more than thirty minutes or any other time as may be prescribed by the Town Vending Committee (TVC). The petitioners have challenged the imposition of the said condition.
4. Section 6(1) of the Street Vendors (Protection of Livelihood and



Regulation of Street Vending) Act, 2014 (hereafter *the Act*) requires that the street vendors to be classified into three categories: (i) stationary vendors; mobile vendors; or any other category as may be specified in the Scheme.

5. The Section 6 of the Act is set out below:-

“6. (1) The certificate of vending shall be issued under any of the following categories, namely:—

- (a) a stationary vendor;
- (b) a mobile vendor; or
- (c) any other category as may be specified in the scheme.

(2) The certificate of vending issued for the categories specified in sub-section (1) shall be in such form, and issued in such manner, as may be specified in the scheme and specify the vending zone where the street vendor shall carry on his vending activities, the days and timings for carrying on such vending activities and the conditions and restrictions subject to which he shall carry on such vending activities.

(3) Every street vendor who has been issued certificate of vending under sub-section (1) shall be issued identity cards in such form and manner as may be specified in the scheme”

6. Thus, in terms of Section 6 of the Act, it is necessary for the TVC to classify the street vendors in three categories as specified above. However, at the current stage, the survey is not complete and the Second Town Vending Committee (**TVC-II**) (which would include the representatives of the street vendors) has not been constituted. This Court is informed that the COVs issued currently are interim COVs and the final COVs would be issued after the survey is complete, the TVC-II has been constituted, and the vending plan is framed under Section 21 of the Act.

7. At the present stage, the street vendors who have not been allocated



any *Tehbazari* licences are being treated as mobile vendors.

8. Concededly, the petitioners have not been allocated any *Tehbazari* site by the concerned authorities and therefore, they cannot be considered as stationary vendors till a fixed place is allocated. Condition no. 11 of the COV impugned by the petitioners is applicable to the mobile vendors and the petitioners are required to comply with the terms and conditions of the COV.

9. In the given circumstances, we consider it apposite to dispose of the petition by leaving it open for the petitioners to make a representation to the concerned authorities (MDC/TVC). The concerned authorities shall take an informed decision at the appropriate stage.

10. Pending applications also stand disposed of.

VIBHU BAKHRU, J

SACHIN DATTA, J

JULY 23, 2024

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