



2024:DHC:5873-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 10397/2024**

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*Date of Decision: 30.07.2024***PRADEEP KUMAR DAS AND ORS**

.....Petitioners

Through: Mr. Aditya, Mr. Anjani Kumar
Mishra, Mr. Kailash Jha, Mr. Vinod
and Mr. Amit Upadhyay, Advs.

versus

COMMISSIONER OF POLICE AND ORS

.....Respondents

Through: Mr. Divyam Nandrajog, Panel
Counsel, GNCTD and Mr. Fateh
Singh Bhullar, Advs. for R-1, 2 and 5.**CORAM:****HON'BLE MR. JUSTICE VIBHU BAKHRU****HON'BLE MR. JUSTICE SACHIN DATTA****VIBHU BAKHRU, J. (Oral)**

1. Issue notice.
2. Learned counsel for the respondents accept notice.
3. The petitioners have filed the present petition, *inter alia*, praying that directions be issued to the respondents to allow the petitioners to peacefully vend at their vending sites which is described as "On the Footpath, Opposite RG Square Mall, IP Extension, Shahdara South Zone, Ward-19E".
4. The petitioners claim that they vend warm food and snacks. The certificates of vending (hereafter *the COV*), issued to the petitioners also reflect that they are vending "Food/Snack with gas cylinder/fire".
5. Although, it is not disputed that the petitioners are carrying on their vending activities at the given site, however, the petitioners are being treated as mobile vendors, and in terms of their respective COVs, they are

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proscribed from carrying on their vending activities from a fixed place for more than 30 minutes or such time as may be prescribed by the Town Vending Committee (hereafter *the TVC*). The petitioners are essentially aggrieved by the said condition and claim that they are required to be treated as stationary vendors.

6. This Court is informed that the COVs issued to all street vendors are interim COVs and the final COVs would be issued by the second TVC which would also include representatives of the street vendors.

7. Section 6 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter *the Act*), expressly requires the street vendors to be classified into three categories. Section 6 of the Act is set out below”

“6. Categories of certificate of vending and issue of identity cards.

— (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 restriction 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.”

8. However, the provisions of Section 6 of the Act have not been complied with as yet, as the final COVs have not been issued.



9. At the present stage, the petitioners cannot be treated as stationary vendors as no fixed place has been allotted to them. Further, the vending plan in conformity with Section 21 of the Act has also not been prepared as yet. The petitioners were also not holding *tehbazari* licences on the date when the Act came into force.

10. In the aforesaid circumstances, the learned counsel for the petitioners submits that the petitioners would be satisfied if directions are issued for the second TVC to consider their case for being treated as stationary vendors. He submits that a representation dated 24.07.2024 in this regard has already been made. And, in the meanwhile, directions be issued that the petitioners would not be disturbed in carrying on their vending activities, subject to the same being carried on in accordance with the COVs issued to the petitioners.

11. Learned counsel for the respondents have no objection to the said directions.

12. In view of the above, the present petition is disposed of by directing that the petitioners' representation(s) be considered by the second TVC at an appropriate stage.

13. In the meantime, the petitioners shall not be impeded or obstructed in carrying on their vending activities, subject to the same being carried on strictly in accordance with their current COVs.

14. The present petition is disposed of with the aforesaid directions.

VIBHU BAKHRU, J

SACHIN DATTA, J

JULY 30, 2024/cl