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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 14777/2023 CM APPL. 58810/2023 CM APPL. 4545/2024
CM APPL. 4546/2024 CM APPL. 4547/2024 CM APPL. 4548/2024
BHARAT SWAI Petitioner

Through: Mr. Abhishek saxena, Mr. Singh
Nishant Sanjay Kumar, Mr. Vaibhav
Patel, Mr. Saurav Dewal, Mr.
Munish, Mr. Rahul Pratap Singh, Ms.
Mumtaz Shaikh and Ms. Kamini,
Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND OTHERS

..... Respondents

Through: Ms. Tajinder Viridi, Standing Counsel
for MCD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

22.04.2024

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1. The petitioner has filed the present petition, *inter alia*, praying as
under:

“A. Pass an Order directing the respondents to ensure that that the
petitioner is allowed to peacefully vend in terms of his vending site
i.e. south zone ward S-70 New Delhi, without any Let or hindrance
being cause by any public official.

B. Pass an order directing the respondents, their officials, their agents
etc. be restrained from harassing-dislocating-removing the petitioners
from peacefully vending at his vending site.

C. Pass an order directing the SHO P.S. MEHRAULI to ensure that
the petitioner street vendor shall not be forcefully and illegally be
removed from his vending site.

D. Pass an order directing the respondent Government of NCT of
Delhi to comply and effectuate the provision of section 20 of the
*STREET VENDORS (PROTECTION OF LIVELIHOOD AND
REGULATIONS OF STREET VENDING) ACT, 2014*, and make the
dispute redressal committee functional within the stipulated time
period.



E. Pass and order directing the respondent no. 1 to release the articles of the petitioner as the petitioner is facing several problems to run his livelihood.

F. Pass an such order that no street vendor shall be evicted from his vending site till the formation of the vending zone.”

2. The petitioner is a street vendor and claims that he has been vending in South Zone, Ward S-70 [situated in Chattarpur, New Delhi] since 2007-08. The petitioner has also filed a Certificate of Vending (COV) which indicates that he is carrying on vending in the said area. The petitioner is aggrieved on account of an incident occurred on 02.09.2023. The petitioner claims that on the said date, officials of respondent no.1 along with respondent no.2 had visited the said site and illegally seized articles of the petitioner. The petitioner claims that he had shown them the COV but they had not paid any heed to the same and had seized all his articles. He states that the concerned authorities are now demanding a sum of Rs.27,900/- for release of the same.

3. Respondent no. 1 has filed a status report indicating that the petitioner was removed and his goods were seized as he was not vending in accordance with the terms and conditions of the COV.

4. The petitioner has not been allocated any designated site and, therefore, is not permitted to vend at any particular spot for more than 30 minutes. It is stated that in the present case, the petitioner has installed a wooden counter at the footpath CDR Chowk, Chattarpur, New Delhi and had encroached upon the pavement, and is also inconveniencing the pedestrians.

5. The learned counsel appearing for the petitioner submits that he has made a representation regarding release of the articles and is willing to carry



on vending activities in accordance with the terms and conditions of the COV. He submits that the petitioner does not have the wherewithal to pay the penalty of Rs.27,900/- and has accordingly, requested the concerned authorities to waive the same.

6. In view of the above, we consider it apposite to dispose of the petition by directing that the respondents will not interfere with the petitioner's vending activities subject to the same being carried on strictly in accordance with the terms and conditions of the COV.

7. It is also noted that the concerned authorities were directed to dispose of the petitioner's representation [which is annexed as Annexure P3 to the present petition] within a period of four weeks from the date of the said order (10.11.2023). This Court is informed that the said order has not been complied with.

8. The concerned authorities will take up the representation on urgent basis. The learned counsel for the respondents submits that there has been some delay in compliance with the said order, but it will definitely be complied with within a period of two weeks from date. In view of the said statement, this Court is refraining from passing any further orders in this regard. The petition is disposed of in the aforesaid terms. All pending applications also stand disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

APRIL 22, 2024/r

Click here to check corrigendum, if any