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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 14779/2023 CM APPL. 58814/2023 CM APPL. 4472/2024**
CM APPL. 4473/2024
SADANAND PASWAN 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. Shilpa Ohri, Standing Counsel
for MCD.
Mr. Divyam Nandrajog, Panel
Counsel with Mr. Jatin Dua, Adv. for
GNCTD.

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 the petitioner is allowed to peacefully vend in terms of his vending site i.e. ward S-11 E, SHAHDARA SOUTH ZONE Delhi, without any Let or hindrance being caused 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. PANDAV NAGAR 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 an order directing the town vending committee to decide the representation within the stipulated time period as the petitioner is facing several problems due to the illegal act of the respondents 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 claims that he has been carrying on vending activities from a site located at Ward S-11 E, Shahdara South Zone, Delhi. The petitioner has also been issued a Certificate of Vending (COV) indicating that his vending area as Shahdara South Zone, Ward – 11E. The petitioner is essentially aggrieved on account of the conditions of the COV which require him to not carry on vending activities at a particular site for more than a particular time. The petitioner claims that he is required to be treated as “stationary vendor” and not as a “mobile vendor”. The petitioner has also filed a representation dated 29.09.2023 to the Town Vending Committee in this regard.

3. It is contended by learned counsel for the respondent that at this present stage, the petitioner cannot be treated as a “stationary vendor” as no specific site has been allocated to him. She states that after the survey is complete, the second Town Vending Committee (TVC-II) would be constituted and the Municipal Corporation of Delhi would prepare a vending plan in consultation with TVC-II. At that stage, the question of vending at a fixed place may be considered.



4. The learned counsel for the petitioner submits that the representation be kept pending and be considered at an appropriate stage. The learned counsel for the respondents has no objection to the same. In view of the above, we dispose of the petition by directing that the petitioner shall not interdicted or interfered with in carrying on its vending activities subject to the petitioner complying with the terms and conditions of the COV. The representation dated 29.09.2023 made by the petitioner [which is annexed at Annexure P3] shall be considered by the concerned TVC at an appropriate stage.

5. 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