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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 15207/2023 & CM APPL. 14140/2024

ARVIND GUPTA

..... Petitioner

Through: Mr. Bibhuti Bhushan Mishra, Adv.
with Mr. Dipak Raj, Mr. Kamlesh Kr.
Mishra, Ms. Tripti Juyal, Mr. Kailash
Kr. Jha, Mr. Prem Shankar Jha and
Mr. Fareeduddin, Adv.

versus

COMMISSIONER OF POLICE AND ORS Respondent

Through: Mr. Achal Gupta, Adv. for R-1, 2 &
5.
SI Sandeep Kumar, PS Anand Vihar,
SI Pramod Kumar, PS Krishna Nagar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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06.03.2024

CM APPL. 14140/2024

1. This is an application seeking early hearing of the above-captioned petition which is listed for 19.03.2024.
2. With the consent of parties, the prayer made in the application is allowed and the petition is taken up for hearing today.

W.P.(C) 15207/2023

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

"I. Pass an Order directing the respondents to allow the petitioner street vendor to peacefully vend in terms of vending Certificate issued by the Municipal Corporation of Delhi.

II. Pass an order directing the respondents to allow the petitioner street vendor to peacefully vend at his vending site i.e., On the Footpath, Near AGCR Enclave Gate No. 1, Opposite Karkardooma Court,



Maharaja Surajmal Marg, Shahdara South Zone, Ward-17E, New Delhi without any Let or hindrance being caused by any public official.

III. Pass an order directing the respondents, their officials, their agents etc. be restrained from harassing the petitioners from peacefully vending at their vending sites.

IV. Pass an order directing the SHO, PS Anand Vihar to ensure that the petitioner street vendor shall not be forcefully removed from his vending site.

*V. Pass an order directing the respondent MCD to correct the nomenclature in the column for type of vendor from **others** to **stationary street vendor** as detailed in the vending certificate issued to the petitioner.*

VI. Pass an order for quashing and setting aside the terms of certificate of vending printed at the back side of the vending certificate to the extent which is not applicable to a stationary street vendor.

VII. Pass an order directing the respondents to decide the representation dated 30.10.2023 made by the petitioner by passing a speaking order.”

4. The petitioner claims to be a street vendor carrying on his vending activities at a spot on the Footpath, Near AGCR Enclave, Gate No. 1, Opposite Karkardooma Court, Maharaja Surajmal Marg, Shahdara South Zone, Ward-17E, New Delhi.

5. The petitioner, *inter alia*, impugns the action of the police authorities, of putting up notice board declaring the said zone as a no vending zone. The colour of the board is half blue and half red and in the format as used by the Delhi Police. The said notice board clearly states that it has been issued under the authority of the DCP/SHO of Anand Vihar. In view of the said sign board, the petitioner seeks to contest the claim that the given area is a no vending zone.

6. A status report has been filed by the police authorities states that the sign board in question has not been put up by the police authorities and a notice enquiring about the said sign board has been issued to the Resident Welfare Association of Anand Vihar.



7. In view of the above, the petitioner's grievance regarding the area being declared as no vending zone does not survive. Learned counsel for the respondent (MCD) has also no objection if the petitioner is permitted to carry on vending activities *albeit* strictly in accordance with the terms and conditions of the Certificate of Vending (COV). It is also pointed out that the terms and conditions of the COV clearly stipulate that the vendors will not block the footpath and will not vend on the road. The vendor is also required to take care that the space in front of the vending stalls or the counters does not hinder the movement of the pedestrians.

8. The petitioner has also sought a direction that the nomenclature in the COV be corrected to read as "*Stationary Vendor*".

9. It is also noted that the petitioner is engaged in vending goods that fall in the category of "Others". 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.

10. In addition, it is also stipulated that a mobile vendor will not vend for more than 30 minutes at a given spot or such time as may be prescribed by Town Vending Committee. Learned counsel for the petitioner states that the petitioner would abide by all conditions as applicable to the COV.

11. In view of the above, we direct that the concerned authority shall not interdict the petitioner from carrying on vending activities subject to the same being carried out strictly in accordance with the terms and conditions as applicable to the COV.

12. 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. The denial of relief as sought for by the petitioner, by this Court would not preclude the TVC from considering the same.

13. The hearing scheduled on 19.03.2024 stands cancelled.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MARCH 06, 2024/SA

Click here to check corrigendum, if any