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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 15550/2023**

MAHESH KUMAR YADAV

..... Petitioner

Through: Petitioner in-person

versus

DIRECTOR ENFORCEMENT NORTH ANR Respondents

Through: Mr. Sri Harsha Peechara, Standing Counsel, NDMC with Ms. Ankita Sarangi, ASC, NDMC and Mr. Shubham Kumar Mishra, Adv.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

15.01.2024

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1. The petitioner has filed the present petition impugning the order dated 22.11.2023 (hereafter “**the impugned order**”) whereby his representation was rejected. The petitioner’s prayer that he be recognised as an authorised vendor of NDMC and be permitted to continue vending in the NDMC area, was rejected. However, the petitioner has also been granted the opportunity to approach the competent Town Vending Committee (TVC) at an appropriate stage.

2. The petitioner is, essentially, aggrieved by the permission granted to one Ms. Mathura Bai to carry on vending activities within the area of NDMC. He states that denying the petitioner to vend at the given site, while permitting her to do so is discriminatory. He contends that the petitioner is



also required to be placed in the same position as Ms. Mathura Bai.

3. The petitioner, who appears in person, has referred to the order dated 14.05.2018 passed by this Court in ***Shamshuddin Vs. New Delhi Municipal Council and Ors.***: CM. Appl. no. 1986/2018 in W.P. (C) 1706/2018. He submits that Ms. Mathura Bai had preferred the said application claiming that she was vending readymade garments at a site described as Janpath Lane, Mini Market, Parking of LIC Building, Connaught Place, New Delhi-10001 and had sought impleadment in the said case. The said application was rejected the Coordinate Bench of this Court noting that she was not a necessary/proper party.

3.1 It was noted that Ms. Mathura Bai was not included in list of 628 street vendors. It was also noted that she had filed a writ petition (W.P.(C) 9497/2016) seeking substantive reliefs, which was disposed of by permitting her to approach the TVC for addressal of her grievance. However, no further relief was granted.

4. The petitioner submits that Ms. Mathura Bai had approached the Court of the Commissioner (Disabilities) seeking certain reliefs regarding vending at the given area. The Commissioner (Disabilities) had passed an order dated 27.07.2017 granting relief to Ms. Mathura Bai as she is a physically disabled person.

5. Although, the petitioner seeks to assail the relief granted to her and also seeks to impugn, the order passed by the Commissioner (Disabilities), Ms. Mathura Bai has not been impleaded in this petition. Undeniably, she is a necessary and proper party if the petitioner seeks to challenge any relief granted to her.

6. Apart from the above, we are also unable to accept that any relief can



be granted to the petitioner to permit him to vend within the specified area.

7. This is because, admittedly, the petitioner's name does not feature in the list of 628 persons, who are permitted to vend under protective orders in their favour. Thus, the petitioner cannot be permitted to vend within the NDMC area unless the survey is conducted by the concerned TVC.

8. In so far as the directions to include the petitioner in survey is concerned, the said relief has already been granted. The petitioner is at liberty to file all documents in support of his claim before the concerned TVC. Needless to state that the same shall be duly considered.

9. We find no grounds to interfere with the impugned order (speaking order dated 22.11.2023) whereby the petitioner's representation was disposed of.

10. The petition is, accordingly, disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

JANUARY 15, 2024/SA

Click here to check corrigendum, if any