



2024:DHC:4243



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **CONT.CAS(C) 1816/2023****RAJU**

..... Petitioner

Through: Mr. Satish Kumar Tripathi, Advocate.  
(M): 7065243658  
Email: acchargaje@gmail.com

versus

**MR AMIT YADAV AND ANR**

..... Respondents

Through: Mr. Sriharsa Peechara, Standing  
Counsel with Mr. Amit Sinha, Addl.  
Standing Counsel, Ms. Harshita  
Gupta. Mr. Akshat Kulshreshta and  
Mr. Shubham Kumar Mishra,  
Advocates.  
(M): 9810673337  
9717466788  
Email: [sinhaadvocate@outlook.com](mailto:sinhaadvocate@outlook.com)  
shpeechara@gmail.com

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***Date of Decision: 17<sup>th</sup> May, 2024*****CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****J U D G M E N T****MINI PUSHKARNA, J: (ORAL)**

1. The present petition has been filed alleging willful disobedience of the orders dated 22<sup>nd</sup> March, 2017 and 12<sup>th</sup> October, 2017 passed in *W.P. (C) No. 2309/2017*, whereby the Court had directed the respondents to consider the case of the petitioner expeditiously and sympathetically, as and when the Town Vending Committee ("TVC") is constituted.



2. The present petition has come to be filed on the ground that despite specific directions, the case of the petitioner has still not been considered, and no Certificate of Vending (“COV”) has been issued to the petitioner.
3. In response, learned counsel appearing for New Delhi Municipal Council (“NDMC”), submits that survey is yet to be conducted by the NDMC in the areas under its jurisdiction. She, thus, submits that the competent TVC has not been constituted as yet, which can consider the representation of the petitioner for renewal of his licence for sale of bakery products, which the petitioner had been carrying out.
4. Refuting the aforesaid, learned counsel appearing for the petitioner submits that in terms of Rule 13 of the Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017, the initial TVC itself has the authority to issue COV.
5. I have heard learned counsels for the parties and have perused the record.
6. By order dated 22<sup>nd</sup> March, 2017, the Division Bench of this Court had passed the following orders:-

*“The petitioner claims that he was granted a hawking licence for selling bakery products on cycle. However, this licence was not renewed by him after March, 2011 on the belief that the NDMC was going to allot permanent vending sites to similarly situated persons. Petitioner also claims that post 2011, he started selling other permissible items from his place i.e. Kiosk No. N-10, Rajendra Prasad Road, Jawahar Bhawan, Shastri Market, New Delhi. The petitioner submits that despite NDMC having formulated a Scheme under the directions of the Supreme Court in respect of urban street vendors falling under the NDMC area, he did not apply for the licence in good faith. The petitioner seeks protection from this Court from being removed from the site mentioned hereinabove.*

*Mr. Harsha, learned standing counsel for NDMC, submits that the petitioner, for the reasons best known to him, did not get renewed his licence to sell bakery products on a cycle. Counsel further submits that the*



*petitioner cannot be permitted to vend at the site in question. Additionally, it is submitted that the name of the petitioner does not find mentioned either in the list of 628 persons nor in any other list nor he has made any application for renewal of his licence or grant of a fresh licence.*

*Counsel for petitioner submits that the petitioner is now suffering from paralysis and he would not be able to carry out his vending activities on cycle. However, he would move an application for renewal of his licence and place relevant documents on record to enable the NDMC/Vending Committee to consider his request in accordance with law.*

*We dispose of this writ petition with the direction as prayed by the petitioner that the petitioner would make an application for renewal of his licence. He would also submit supporting documents in respect of his illness and seek a licence in accordance with law. The petition is disposed of accordingly.*

**CM No. 9927/2017 (stay)**

*In view of the above order, the application also stands disposed of.”*

7. Subsequently, upon an application moved by the petitioner, an order dated 12<sup>th</sup> October, 2017 came to be passed by the Division Bench in W.P. (C) No. 2309/2017, which reads as under:-

**“CM No. 31003/2017 (for Directions)**

1. *This is an application filed by the petitioner seeking a direction to the NDMC to consider the case of the petitioner in a time bound manner and on humanitarian grounds.*
2. *It may be noticed that the present petition was disposed of by this Court vide order dated 22.3.2017 with the following directions:*

*“We dispose of this writ petition with the direction as prayed by the petitioner that the petitioner would make an application for renewal of his licence. He would also submit supporting documents in respect of his illness and seek a licence in accordance with law. The petition is disposed of accordingly.”*

3. *Learned counsel for the petitioner submits that the petitioner has submitted a comprehensive representation to the Chairperson, NDMC, on 26.4.2017 along with all supporting documents, with a request to allow him to squat from his present vending site, owing to his health condition.*



*Counsel further submits that thereafter the petitioner waited for two and a half month. Since no response was received, the petitioner filed a rejoinder dated 14.7.2017 along with certificate of his paralytic condition. Even thereafter, no response was received from the respondent, which forced the petitioner to file the present application. Counsel, thus, prays that NDMC be directed to consider the case of the petitioner expeditiously and sympathetically having regard to his medical condition and the fact that he is the sole bread winner of his family.*

4. *Learned counsel for the respondent submits that the representation of the petitioner could not be decided as the TVC is not functional.*

5. *We have heard counsel for the parties. In continuation of the directions passed on 22.3.2017, we direct the TVC, as and when it becomes functional, to consider the case of the petitioner expeditiously and sympathetically in accordance with law.*

6. *The application stands disposed of."*

8. Perusal of the aforesaid orders show that the representation of the petitioner was to be considered by the TVC, which has still not been considered, as the TVC is yet to be constituted and made functional.

9. At this stage, learned counsel appearing for the petitioner submits that since the petitioner has subsequently suffered paralytic attack, leading to 80% paralysis, it is not possible for him to move on a bicycle for selling of bakery products. He, thus, submits that the petitioner is now carrying business of sale of garments on his E-rickshaw and is selling the garments by moving around in the said E-rickshaw. Therefore, he submits that the petitioner may be granted a licence for sale of garments through mobile vending.

10. He further submits that considering the health condition of the petitioner, the TVC may also consider granting licence for stationery vending to the petitioner, as it is not possible for the petitioner now to do mobile vending.

11. Accordingly, it is directed as follows:



2024:DHC:4243



- (i) As and when survey is conducted by the respondent/NDMC, the name of the petitioner shall be included in the survey.
- (ii) Mere fact that the petitioner has not been found at any site, will not be a ground for not including the name of the petitioner in the survey.
- (iii) The respondent NDMC shall inform the petitioner at his residential address, i.e., *H. No. 160, MP Flats, Servant Quarters, South Avenue, New Delhi-110001*, intimating him about the conduct of survey, as and when the said exercise commences.
- (iv) The competent TVC shall also consider the case and representation of the petitioner, and grant him a personal hearing regarding claim of the petitioner for issuing him COV for stationery vending, considering his health condition.
12. With the aforesaid directions, the present petition is disposed of.

**MINI PUSHKARNA, J**

**MAY 17, 2024**

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