



2024:DHC:6847-DB



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

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Date of Decision : 05.09.2024

+ **W.P.(C) 16233/2023**

GOMATI

.....Petitioner

Through: Mr. N. K. Sahoo, Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR.Respondents

Through: Mr. Sriharsha Peechara, Standing Counsel along with Mr. Akshat Kulshreshtha and Mr. D. S. Bhanu, Advocates for NDMC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

VIBHU BAKHRU, J. (Oral)

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to respondent nos.1 and 2 (NDMC) to substitute her name as a sole legal heir of her deceased husband Birma Nand son of Dambar.
2. The petitioner claims that her deceased husband, during his lifetime, had applied for a *tehbazari* license under the Urban Street Vendors Scheme which was framed by NDMC and approved by the Supreme Court of India on 17.05.2007.
3. The Vending Committee had considered the application for *tehbazari* license and had called upon the petitioner's deceased husband to furnish certain documents. The petitioner's husband expired on 03.12.2021.



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4. The petitioner claims that her husband, during his life time, was carrying on his vending activities by selling artificial jewellery at the site located opposite to Talkatora Road, New Delhi, since the year 1991-1992.
5. The petitioner claims that she is entitled to the benefit as would have been available to her deceased husband under Rule 13 of the Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 (hereafter *the Rules*), as well as paragraph 3.3 of the Government of National Capital Territory of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019 (hereafter *the Scheme*).
6. The learned counsel for the respondents NDMC submits that the issue is covered in favour of the petitioner by a decision of this Court rendered in *Kishwari Begam v. New-Delhi Municipal Council : W.P.(C) 9622/2020*.
7. In view of the above, the present petition is disposed of by directing the respondents to accord the petitioner the same benefit as would have been available to her deceased husband under the aforesaid Rules and the Scheme.

VIBHU BAKHRU, J**SACHIN DATTA, J****SEPTEMBER 05, 2024***r*